

Planning Commission Date: June 13, 2007

Item No. **4.**

MILPITAS PLANNING COMMISSION AGENDA REPORT

Category: Public Hearing

Report prepared by: Kristine Lowe

Public Hearing: Yes: X No:

Notices Mailed On: 6/1/07

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TITLE:

TIME EXTENSION NO. TE2007-3:

Proposal:

A request for an 18-month time extension to Use Permit Amendment No. UA2004-10, "S" Zone Approval Amendment No. SA2004-100 and Environmental Assessment No. EA2005-2. The project was approved by the Planning Commission on August 24, 2005. The project consists of the demolition of four (4) existing religious facility ancillary buildings (approximately 21,150 square feet), the construction of two (2) new ancillary buildings (approximately 49,500 square feet) and site modifications that include a parking reduction, removal of protected trees and new landscaping at Christ Community Church.

Location:

1000 S. Park Victoria Drive (APN: 088-37-076)

RECOMMENDATION: Approve with conditions.

Applicant:

Mark Simmons, Christ Community Church of Milpitas, 1000 South Park Victoria Drive, Milpitas CA 95035.

Property Owner:

Presbytery of San Jose, 1000 South Park Victoria Drive, Milpitas CA 95035.

Previous Action(s):

'S'-Zone Approval and Amendments, Use Permit and Amendments

Environmental Info:

A Mitigated Negative Declaration was adopted as part of the August 24, 2005 project approval

General Plan Designation: Multi-Family High Density

Present Zoning:

Multi-Family High Density with 'S'-Zone Overlay (R3-S).

Existing Land Use:

Religious facility and day care center

Agenda Sent To:

Applicant and Property Owner.

Paul Bunton, AIA, 210 Hammond Avenue, Fremont, CA 94539

Attachments: Approved Special Conditions for Use Permit Amendment No. UA2004-10, "S" Zone Approval Amendment No. SA2004-100 and Environmental Assessment No. EA2005-2, along with the corresponding Staff Report, plans and project description.

PJ#

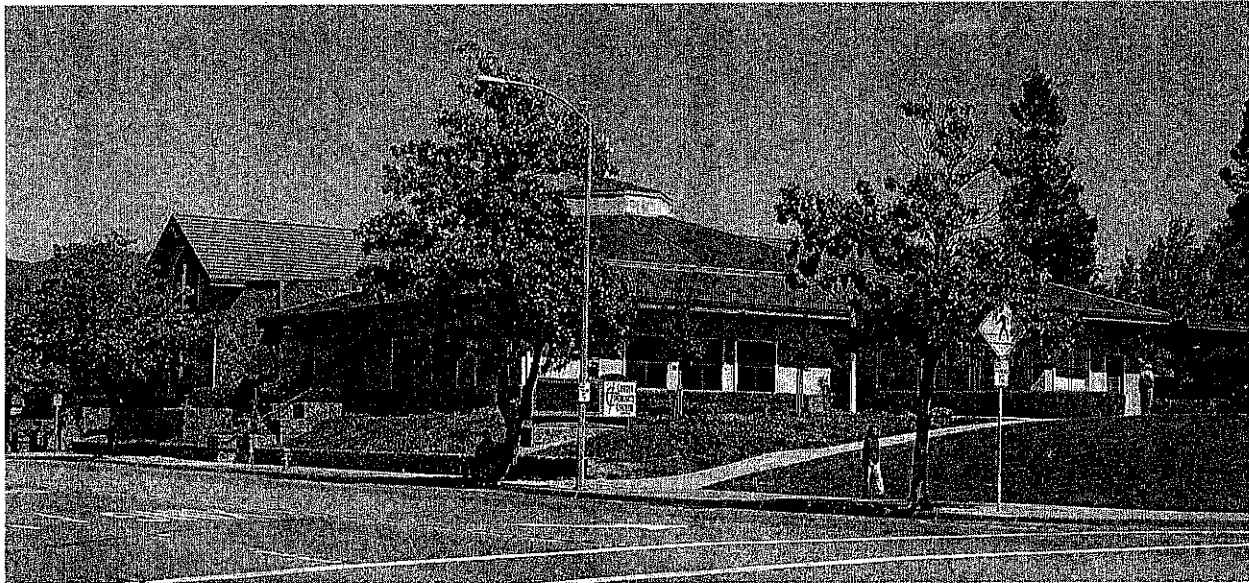
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BACKGROUND

On March 23, 1966, the Planning Commission approved Use Permit No. 110 to construct and operate a church (First Presbyterian) that included administrative, educational and multi-use buildings. Subsequent Planning Commission approvals include an additional 2,400 square foot building, 2-story addition to the education building, expansion of sanctuary seating, addition of classrooms, temporary trailers for classrooms, exterior signs, and Use Permit No. 497 for the operation of a pre-school/daycare. In addition, the Planning Commission approved a new 52,715 square foot, 2 story church sanctuary in 1989, however the new sanctuary was never constructed. The current sanctuary was approved by the Planning Commission on March 11, 1992. On August 24, 2005, the Planning Commission approved a Use Permit Amendment No. UA2004-10, "S" Zone Approval Amendment No. SA2004-100 and Environmental Assessment No. EA2005-2 to demolish four (4) existing religious facility ancillary buildings (approximately 21,150 square feet), construct two (2) new ancillary buildings (approximately 49,500 square feet) and modify the site that included a parking reduction, removal of protected trees and new landscaping.

Site and Area Description

The project site is a 3.97-acre parcel on the northeast corner of South Park Victoria Drive and Clear Lake Avenue, east of I-680, in a Multi-Family High Density (R3) zoning district. The site is currently developed with a 25,200 square foot sanctuary building with administrative offices (Building A), 9,300 square foot daycare/classrooms (Building B), 1,030 square foot garage (Building C), 4,760 square foot classrooms (Building D) and a 6,060 square foot kitchen/fellowship hall (Building D).



Christ Community Church of Milpitas (from South Park Victoria Drive and Clear Lake Avenue)

THE APPLICATION

Project Description

The applicant is requesting an 18-month Time Extension for the previously approved Use Permit Amendment No. UA2004-10, "S" Zone Approval Amendment No. SA2004-100 and Environmental Assessment No. EA2005-2, for the demolition of four (4) existing religious facility ancillary buildings (approximately 21,150 square feet), the construction of two (2) new ancillary buildings (approximately 49,500 square feet) and site modifications that include a parking reduction, removal of protected trees and new landscaping at Christ Community Church.

TIME EXTENSION REQUEST

Pursuant to Zoning Ordinance Section 64.04-1 (Time Extension), the applicant is requesting a time extension of the previous Use Permit Amendment, "S" Zone (or Site and Architecture Review) Amendment and Environmental Assessment approvals. As with any permit approval granted under the terms of the zoning ordinance, a permit expires in eighteen (18) months if not used or exercised.

As defined in Section 64.04-2 (Use of Approvals), a permit is "used" or "exercised" if:

1. The applicant obtains a building permit and completes a foundation, or
2. Dedicates any land or easement as required from the zoning action, or

3. Complies with legal requirements necessary to commence the use, or obtains an occupancy permit, whichever is sooner.

To date, the applicant has not "used" or "exercised" their permit approved on August 24, 2005.

RECOMMENDATION

Close the public hearing. Approve Time Extension No. TE2007-3 for UA2004-10, SA2004-100 and EA2005-2 based on the previous Findings and Recommended Special Conditions of Approval.

FINDINGS

1. The Initial Study and Mitigated Negative Declaration (EIA No. EA2005-2) prepared for this project represent the independent review of the City of Milpitas Planning Staff and was approved by the Planning Commission August 24, 2005.
2. The proposed project is consistent with the Milpitas General Plan in that it is consistent with Guiding Principles 2.a-I-2, 2.a-10, and 2.d-G-2 which promote in-fill developments that foster community pride and will serve both the immediate and larger neighborhood (Citywide).
3. The proposed project, as conditioned, is consistent with the Zoning Ordinance in that parking reductions were conditionally permitted by the Planning Commission August 24, 2005. In addition, the proposed project meets the development standards of the Multi-Family High Density zoning district.
4. The proposed project, as conditioned, would not be detrimental or injurious to property or improvements in the vicinity nor to the public health, safety and general welfare. As conditioned, the project is not anticipated to result in a negative community impact as construction activities will be limited to weekdays and the project would provide adequate parking.
5. As conditioned, the project complies with the "S" Zone Combining District in that modifications to the site and building exterior are compatible and aesthetically harmonious with the existing building and no adverse visual impact would result from the proposed project.

SPECIAL CONDITIONS

1. All Special Conditions pertaining to Use Permit Amendment No. UA2004-10, "S" Zone Approval Amendment No. SA2004-100 and Environmental Assessment No. EA2005-2 shall remain in full force and effect for Christ Community Church.
2. This one-time 18-month extension (Time Extension No. TE2007-3) shall expire, without notice to the applicant, Monday August 25, 2008 and no additional time extensions shall be considered or granted. (P)

3. Any modifications to the Special Conditions shall require Planning Commission approval of an amendment of the Use Permit Amendment and "S" Zone Amendment. Minor changes, as per Section 42 (Site and Architectural Review) of the Milpitas Zoning Ordinance, to approved plans may be approved by the Planning Division staff. (P)

NOTES TO THE APPLICANT

Submitted drawings are not reviewed or approved for Building and Fire permits and construction. These notes are provided below to assist with the Building permit and Fire Department permit processes.

Building Division Notes to the Applicant

1. Applicable codes shall be 2001 CBC, CPC, CMC, 2004CEC, 2005 California Energy Code, CFC and 2002 Milpitas Municipal Code. (B)
2. It is mandated to obtain Business license and Certificate of occupancy prior to operation of a business. (B)
3. Plans shall be prepared and designed by Engineer or Architect licensed in the State of California. (B)
4. Allowable building area for building shall be per 2001 CBC, Table 5B. It may require an area separation wall to comply with building allowable area. (B)
5. Based on the proposed area and number of stories of new buildings they shall be Type V-1hr construction minimum as per Table 5B. If existing sanctuary is type V-N construction it may require area separation wall as per sec.601.2. (B)
6. Exterior exit stairway shall not be located in areas where building openings are prohibited or openings are required to be protected by 2001 CBC Table 5-A section 1006.2.1 and sec.503.3. (B)
7. Required separation in buildings with mixed occupancy shall be per 2001 CBC, Table 3-B. (B)
8. First and second floor corridors, including interior stairways shall be one-hour fire-rated with 20-minute doors leading to it per 2001 CBC section 1004.3.4. (B)
9. Second floor corridor and exterior exit balcony (walkway) shall not have dead ends as per sec.1004.2.6. (B)

10. Exterior exit stairs and exterior exit balconies shall not be located where protection of openings is required as per sec.106.2.1. (B)
11. Two separate exits are required from social hall at first floor as per Table 10-A. (B)
12. Second floor offices shall be provided with two exits as per Table 10-A located minimum of a ½ of diagonal dimension of the overall space as per sec.1004.2.4. Note that hallway is an intervening room as per sec.1004.2.2. (B)
13. Building that house group A and E occupancies shall front directly on or discharge to a public street not less than 20 feet in width per 2001 section 305.3 and 303.3. The main entrance to the building shall be located on a public street or on the exit discharge. (B)
14. Occupant load factor for assembly and multi-use room shall be 1 occupant per 7 sq. ft as per 2001 CBC, Table 10-A. As such assembly room has an occupant load over 300, it will be considered Group A Division 2.1 per 2001 CBC, section 303.1.1. (B)
15. In the assembly occupancy doors shall swing in the direction of exit per 2001 CBC, Sec. 1003.3.1.5. Exit doors from assembly occupancy shall be provided with panic hardware per Sec. 1007.2.5 and exit signs per section 1003.2.8.2. (B)
16. School ground may be fenced provided a safe dispersal areas with 3 sq. ft. per occupant is not be located more than 50 feet from school building per 2001 CBC, section 1007.3.11. (B)
17. Number of plumbing fixtures shall be as per CPC Table 4-1. (B)
18. Roofing material shall be per 2001 CBC, Table 15-A. (B)
19. All weather-exposed wood shall be pressure treated or redwood per 2001 CBC section 2306.12. (B)
20. Provide exit signs when two exits are required per 2001 CBC section 1003.2.8.2 (B)
21. Obtain permits from Health Department and Water Pollution Control prior to applying for a Building permit. (B)
22. A soil report shall be provided when applying for grading, site improvement and building permit. (B)
23. Proposed paving shall comply with the 2002 Milpitas Municipal Code, section II-13-18. (B)
24. All non-structural concrete flat work shall be per 2002 Milpitas Municipal Code section II-13-17.05. (B)

25. Erosion control plan shall be submitted when applying for grading permit per 2002 Milpitas Municipal Code. (B)
26. The developer shall include interim erosion control provisions and schedules in the construction plans for areas, which will not have permanent erosion control features installed (such as landscaping) prior to any occupancy so that erosion and sediment control can be sustained through the rainy season. 2002 Milpitas Municipal Code section II-13-11. (B)
27. Two exits may be required from electrical room per 2001 CEC art. 110-26-(c). (B)
28. All new electrical services shall be underground per 2002 Milpitas Municipal Code section II-6-2.04. (B)
29. The main services disconnect shall be located in the first floor of the buildings per 2002 MMC section II-6-2.05. (B)
30. Accessible route of travel shall be provided to all entrances and ground floor exits. Also from parking and from public street/bus stop to main entrance and between buildings on the same property per 2001 CBC, section 1127B.1. (B)
31. Accessible parking for people with physical disabilities shall be provided per 2001 CBC, sec. 1129.B.1 and Table 11B-6. Accessible parking spaces shall be dispersed and located closest to the accessible entrances. One in every eight accessible parking spaces, but not less than one parking space shall be van accessible per section 1129 B.4.2. (B)
32. Parking spaces shall be so located that persons with disabilities are not compelled to wheel or walk behind parked cars other than their own per 2001 CBC section 1129B.4.3. (B)
33. Accessibility signs shall be provided at every primary public entrance, at every major junction along or leading to an accessible route of travel and at building entrance that are accessible per 2001 CBC section 1127 B.3. (B)
34. All primary entrances and required exit doors shall be accessible to people with disabilities per 2001 CBC section 1114B.1.3. (B)
35. Counters provided for the public and in general employee area must be accessible at least 5%, but not less than one counter (36 in. long) and no more than 28 to 34 inches high per 2001 CBC, Sec. 1122B. (B)
36. Food preparation areas shall be accessible to people with physical disabilities as per 2001 CBC Sec. 1104B.5.8 and food services aisles and tableware areas as per Sec. 1104B.5.5 and Sec. 1104B.5.6 accordingly. (B)

37. Provide seats spaces for persons using wheelchairs when fixed seats are provided as per 2001 CBC, Sec. 1115B. (B)
38. Provide min. **aisle width** per 2001 CBC section 1133 B.6.2. Every aisle shall be 36" wide if serving one side and 44" min. wide if serving both sides. (B)
39. Platforms in assembly areas shall be accessible as per sec.1104B.3.11. (B)
40. Provide minimum 2 complete structural design calculations (vertical and lateral) and 5 sets of construction plan and details when applying for a building permit. Plans and calculations shall be wet signed and stamped by a Civil Engineer. (B)

Fire Department Notes to the Applicant

Information on submitted plans was used to provide the following relevant fire code requirements. Please do not consider this an approval from the Milpitas Fire Department. Submitted drawings are not reviewed or approved for fire permits and construction. These notes are provided to assist with the Fire Department permit process.

41. The 2001 triennial edition of the California Code of Regulations, Title 24 (California Building Standards Code) applies to all occupancies that apply for a building permit on or after November 1, 2002, and remains in effect until the effective date of the 2004 triennial edition. (F)
42. It is recommended that the building and fire code analysis submitted be completed for this proposed use prior to preparation of detailed engineering and architectural plans. A complete allowable area calculation per CBC 504 is needed to determine whether or not the level of fire resistance (the "Type of Construction") is allowed for these buildings. (F)
 - a. Correct Code Analysis for mixed occupancy for entire building as follows:
 - Allowable area for entire building must include areas under covered walkway and balcony/walkway areas at second floor into calculation.
 - At A2.1 occupancy, floor area (after allowable increases) should be 56,000 not 59,400.
 - At B occupancy, floor area (after allowable increases) should be 42,000 not 52,400.
 - Clarify if allowable area increase for multi-story buildings is to be used as described in CBC 504.2.
 - b. Provide a separate allowable area analysis for the 1st floor including the Living Life Building and the Nurturing Life Building.
 - Include areas under covered walkway in calculation.

- c. Provide an exiting analysis. Provide room square footages. Show room occupant load factors per CBC Table 10-A and associated room occupant loads. Calculate accumulated occupant loads at room exits to building exits.
 - Lobbies shall conform with occupancy load factor Use #3 (Lobby accessory to assembly occupancy) of the California Building Code Table 10-A.
 - Multi-purpose rooms shall conform with occupancy load factor Use #3 (Assembly areas, concentrated use without fixed seats) of the California Building Code, Table 10-A. The Gymnasium should be considered as a multi-purpose room.
 - d. Note that stairways are required at each end of 2nd floor balcony/walkway.
43. Fire apparatus access roads shall be provided for every facility, building or portion of a building when any portion of the facility or any portion of an exterior wall of the first story of the building is located more than 150 feet from fire apparatus access as measured by an approved route around the exterior of the building or facility. Section 902.2, CFC. (F)
 44. Fire apparatus access roads shall have an unobstructed width of not less than 20 feet and an unobstructed vertical clearance of not less than 13'-6" feet. Section 902.2.2, CFC. (F)
 45. Fire apparatus, road surface, turning radii, and grade shall comply with the Milpitas Fire Dept. Guidelines. The Plans submitted shall clearly show all proposed fire apparatus access roads, identify, and dimension all fire apparatus access roads, show turning radii, circular drives and turn-around(s) as per comments noted herein. Fire apparatus access shall accommodate an exterior turning radius of 48'-6" (minimum) and an interior turning radius of 28'-0" (maximum). The layout for the outside and the inside radii shall be from the same reference point. Please contact the Fire Department if additional information is required. (F)
 46. Fire apparatus access road(s) shall not be obstructed in any manner and shall be maintained at all times. Driveway curbs shall be painted red with "no parking - fire access" identification. CFC, Section 902.2.4 (F)
 47. An approved water supply capable of supplying the required fire flow for fire protection shall be provided. Appendix III-A shall be used as the basis for determining Fire Flow. Section 903.2, 903.3, CFC. (F)
 48. The location, number and type of fire hydrants connected to a water supply capable of delivering the required fire flow shall be provided on the public street or on site or both as required and approved by the Fire Department. See Appendix III-B. Section 903.4.2, 1001.10 CFC. (F)

49. Existing fire hydrants on public streets are allowed to be considered as available. Existing hydrants on adjacent properties shall not be considered available unless fire apparatus access roads extend between properties and easements are established to prevent obstruction of such roads. Appendix III-B, Section 4, CFC. (F)
50. No parking is permitted in front of fire hydrants. Hydrants located on street (public street) or private drives shall have an unobstructed clearance of not less than 30 feet per Vehicle Code 22513, California Fire Code Section 901.4.3. Fire hydrants shall be clearly identified in an approved manner to prevent obstruction by parking and other obstructions. 901.4.3, 903.4.2 CFC (F)
51. Demolition of buildings: (F)
 - a. Demolition shall comply with all applicable sections of Article 87 of the 2001 California Fire Code.
 - b. The use of open flame for demolition cutting and welding is not permitted. A separate permit is required from the Fire Department to conduct cutting or welding operations within a building. Section 8706.4, CFC.
 - c. Combustible waste material, trash and rubbish shall not be burned at the demolition site. Accumulation of such material shall be removed from the site as often as necessary to minimize the hazards. Section 8706.5, CFC
 - d. Combustible rubbish kept or accumulated within or adjacent to a building shall be stored in approved containers or in rooms or vaults constructed of noncombustible materials. California Fire Code (CFC), Section 1001.3
 - e. The site should be provided a telephone service during demolition/construction.
52. The owner or operator of any privately owned high-rise structure, any office building two stories or more in height, or any hotel or motel shall comply with the Emergency Planning and Information regulations found in Section 3.09 of Title 19, CCR (California Code Of Regulations). (F)
53. Elevators shall comply with Chapter 30 of the California Building Code. (F)
54. When the elevator vertical travel is 25 feet or more, each associated elevator lobby or entrance area and associated machine rooms shall be provided with an approved, listed smoke detector for elevator recall purposed only. Section 3003.2, California Building Code (CBC). (F)
55. The elevator shall be provided with emergency devices for summoning assistance in conformance with Section 3003.4.18 through 3003.4.18.4, CBC. (F)
56. All buildings and structures with one or more passenger service elevators shall be provided with not less than one medical emergency service to all landings meeting the provision of sections 3003.5a through 3003.6.2a, CBC (F)

57. Elevators equipped with photoelectric tube devices, which control the closing of automatic doors, shall comply with section 3003.8 through 3003.8.5. CBC. (F)
58. The operation of elevator(s) under fire or other emergency condition shall comply with sections 3003.9 through 3003.9.6 and 3003.9.10. CBC. (F)
59. Day-care requires review and approval by the California Department of Social Service. License category and capacity will be regulated by Social Service. (F)
60. Buildings used for educational purposes through the 12th grade by 50 or more persons for more than 12 hours per week or four hours in any one-day shall be classified as Group E, Division 1 Occupancy. California Building Code Section 305.1. (F)
61. All storage rooms, conference rooms and miscellaneous other spaces shall conform with the occupancy load factors of the California Building Code Table 10-A. (F)
62. The substitution of an automatic fire sprinkler system for 1-HR rated construction may not be permitted if this building consists of Occupancy E, Division 1. California Building Code Sections 508, 904.2.4.1 and California Fire Code Section 1003.2.4.1. (F)
63. A building housing Group A Occupancies (and Group E Occupancy) shall front directly on a public street or an exit discharge not less than 20 feet in width. The exit discharge to the public street shall be a minimum 20-foot-wide right-of-way, unobstructed and maintained only as access to the public street. No parking is permitted in the area designated as exit discharge. California Building Code Section 303.3. Note: From the Main Entry, the discharge width of 20 ft. between the queen palm and "existing redwood with fern growth underneath concrete section wall", shall be maintained and extend through the proposed front trellis/driveway curb interface. The said driveway curb shall also be painted red and stenciled to prohibit any parking and loading - Contact Albert C. Zamora, Asst. Fire Marshal at 408-586-3371 for specific requirements. (F)
64. Portable fire extinguishers shall be installed in occupancies and locations as set forth in the code, California Code of Regulations Title 19, Division 1, and Chapters 1 and 3 and as required by the Milpitas Fire Chief. California Fire Code (CFC) Section 1002.1. (F)
65. The automatic fire sprinkler system shall be electrically monitored. Alarm and trouble signals shall be distinctly different and shall be automatically transmitted to an approved central station, remote station or proprietary monitoring station. CFC Section 1003.3. (F)
66. An approved audible sprinkler flow alarm shall be provided on the exterior of each building in an approved location. CFC Section 1003.3.2. (F)

- a. Provide standpipe systems as per Table 1004-A as amended by the Milpitas Municipal Code Section V-300-2.01.
 - b. Standpipes are required at each stair enclosure. A standpipe is required at each floor level.
 - c. Provide standpipe systems as per T. 1004-A as amended by the Milpitas Municipal Code Section V-300-2.01
 - d. Standpipes shall be located so that all portions of the building are within one hundred and fifty feet travel distance of a connection.
 - e. Standpipe size shall be 2 ½ inches (MMC Amendment)
 - f. Provide an approved manual and an approved automatic Fire Alarm System throughout the whole building for Group A, Division 1, 2, and 2.1 and Group E-1 and E-3 Occupancies. CFC Section 1006.2.2.1.
67. Activation of the fire alarm in Group A Occupancies with an occupancy load of 1,000 or more shall immediately initiate an approved prerecorded message announcement using an approved voice communication system. The voice communication system shall be provided with an approved emergency power source. CFC Sections 1006.2.2.2 & 1006.2.2.3. (F)
68. Group E, Division 1 Occupancies and Group E, Division 3 Occupancies having an occupant load of 50 or more shall be provided with an approved manual fire alarm system. When automatic sprinkler systems or smoke detectors provided in accordance with Section 1006.2.4.2 are installed, such systems shall be connected to the building fire alarm system, and the building fire alarm system shall be both automatic and manual. CFC Section 1006.2.4.1. (F)
69. Design, installation and maintenance of fire alarm shall be in accordance with the CFC and other nationally recognized standards. Submittals shall include, but not be limited to, a floor plan, location of all alarm initiating and alarm signaling devices, alarm control and trouble signaling equipment, annunciation, power connection including backup, battery calculations, wiring type and sizes, manufacturers cut sheets and California State Fire Marshal listing number for all equipment, point to point wiring diagram, and sequence of operations. CFC Section 1006.2.9.1.1. (F)
70. There is no approval for any hazardous materials under this review. (F)
71. Alterations to the automatic fire sprinkler system, the fire detection system and/or the fire alarm system requires drawings to be submitted to the Fire Department. Complete plans and specifications for all aspects of Fire-Protection systems shall be submitted to the Fire Department for review and approval prior to system installation. CFC Section 1001.3. (F)

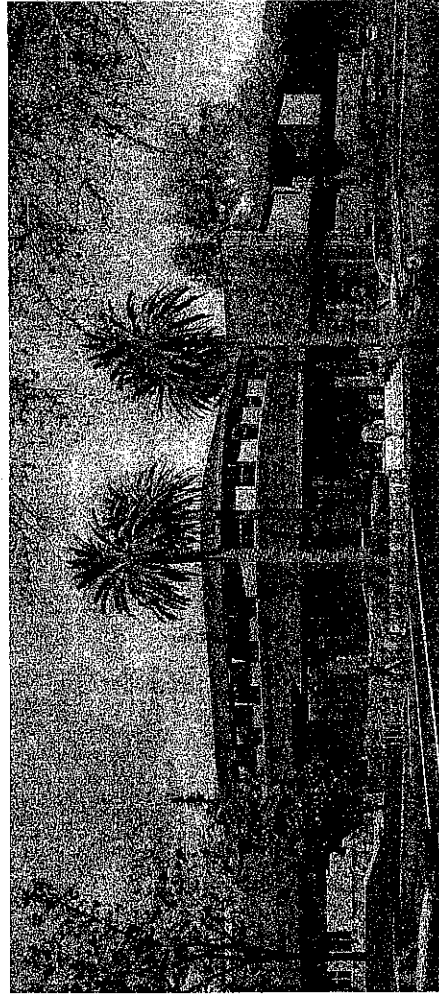
Planning division = (P)

Building Division = (B)

Fire Department = (F)

CHRIST COMMUNITY CHURCH OF MILPITAS

DARING TO DREAM AGAIN




ENTRANCE VIEW




COURTYARD VIEW

BCA
architecture
planning
interiors

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 Key Plan	Building Additions to CHRIST COMMUNITY CHURCH 1000 South Park Victoria Dr. Milpitas, CA	PERSPECTIVES	<table border="1"> <tr> <td>Date</td> <td>JULY 20, 2005</td> </tr> <tr> <td>Scale</td> <td>AS NOTED</td> </tr> <tr> <td>Project Number</td> <td>01-008</td> </tr> <tr> <td>Drawing Number</td> <td>SD0.0</td> </tr> </table>	Date	JULY 20, 2005	Scale	AS NOTED	Project Number	01-008	Drawing Number	SD0.0
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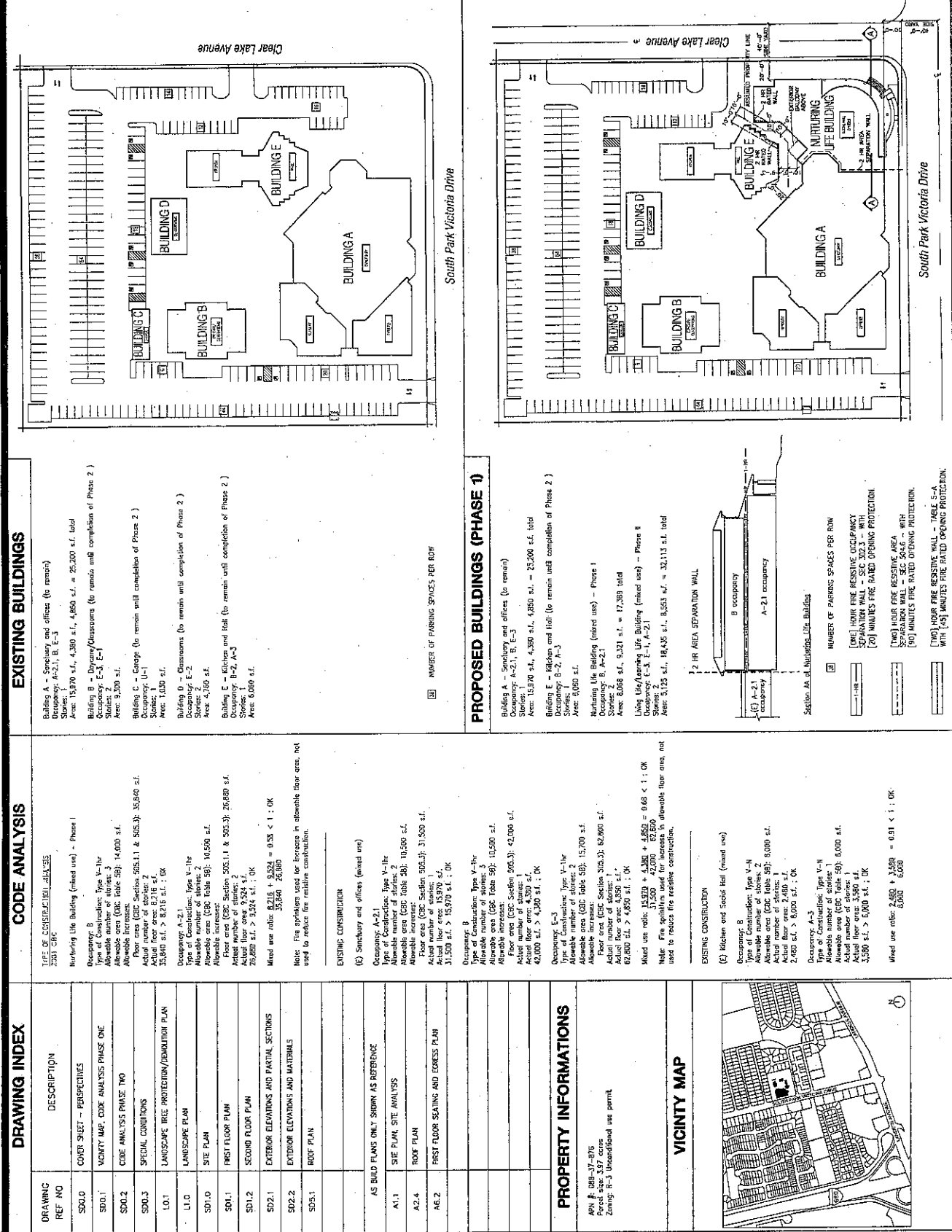


Key Plan

Building Additions to
CHRIST COMMUNITY CHURCH
1000 South Park Victoria Dr.
Milpitas, CA

CODE ANALYSIS
VICINITY MAP
PHASE ONE

Date: May 1, 2007
Scale: AS NOTED
Project Name: SD0.1
Drawing Number: 0408



CODE ANALYSIS

TYPE OF CONSTRUCTION (Building A)

Existing (UL Building (mixed use) - Phase II
 Existing (UL Building (mixed use) - Phase II
 (combined as one building)

Occupancy: B (Building, Vehicle and Office)

Type of Construction: Type V-1hr

Allowable number of stories: 3

Allowable area (CBC Table 503.2): 14,000 s.f.

Actual floor area: 13,970 s.f.

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PROPOSED BUILDINGS

Building A - Secondary and offices (to remain)

Occupancy: A-2.1, B, E-3

Stories: 1

Area: 15,970 s.f., 4,850 s.f., 4,850 s.f. = 25,570 s.f. total

Occupancy: B, A-2.1

Stories: 2

Area: 8,850 s.f., 9,321 s.f. = 17,559 s.f. total

Occupancy: B, A-2.1

Stories: 2

Area: 5,128 s.f., 18,435 s.f., 8,553 s.f. = 32,115 s.f. total

Occupancy: B, A-2.1

Stories: 2

Area: 5,128 s.f., 18,435 s.f., 8,553 s.f. = 32,115 s.f. total

Occupancy: B, A-2.1

Stories: 2

Area: 5,128 s.f., 18,435 s.f., 8,553 s.f. = 32,115 s.f. total

Occupancy: B, A-2.1

Stories: 2

Area: 5,128 s.f., 18,435 s.f., 8,553 s.f. = 32,115 s.f. total

Occupancy: B, A-2.1

Stories: 2

Area: 5,128 s.f., 18,435 s.f., 8,553 s.f. = 32,115 s.f. total

Occupancy: B, A-2.1

Stories: 2

Area: 5,128 s.f., 18,435 s.f., 8,553 s.f. = 32,115 s.f. total

Occupancy: B, A-2.1

Stories: 2

Area: 5,128 s.f., 18,435 s.f., 8,553 s.f. = 32,115 s.f. total

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Occupancy: B, A-2.1

Stories: 2

Area: 5,128 s.f., 18,435 s.f., 8,553 s.f. = 32,115 s.f. total

EXISTING CONSTRUCTION (Building A)

Occupancy: A-2.1

Type of Construction: Type V-1hr

Allowable number of stories: 2

Allowable area (CBC Table 503): 10,500 s.f.

Actual floor area: 10,500 s.f.

Actual floor area: 10,500 s.f.

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Key Plan

Building Additions to

CHRIST

COMMUNITY

CHURCH

1000 South Park Victoria Dr.

Milpitas, CA

CODE ANALYSIS

PHASE TWO

DATE

May 1, 2007

Scale

AS NOTED

Prepared by

BC|A

CH008

SD0.2

Building Additions to

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1000 South Park Victoria Dr.

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COMMUNITY

CHURCH

1000 South Park Victoria Dr.

Milpitas, CA

CODE ANALYSIS

PHASE TWO

DATE

May 1, 2007

BC|A

architecture

planning

interiors

Building Office Associates, Inc.

210 Homestead Ave.

Fremont, California 94538

[T] 510.445.1000

[F] 510.445.1005

www.BCAOnline.com

DATE

May 1, 2007

Scale

AS NOTED

Prepared by

BC|A

CH008

SD0.2

Building Additions to

CHRIST

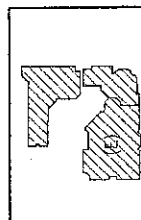
COMMUNITY

CHURCH

1000 South Park Victoria Dr.



Sincerely,
Richard L. Huntington
Certified Arborist WE #119A
Certified Forester #1923



TREE SURVEY			TREE SURVEY			TREE SURVEY			TREE SURVEY				
Diagnosis (Arches)	Condition HTZ	Comments	Tree No. (Percent)	Species	Diagnosis (Arches)	Condition HTZ	Comments	Tree No. (Percent)	Species	Diagnosis (Arches)	Condition HTZ	Comments	
7	Redwood	23.6 98	33	Queen palm	13.6 78	NA	Transpirable	59	Oliver	8.6 56	7.1	Tree is in parking lot. Learn how to grow every thousand and will be in the next year. Recommended removal.	
			34	Flam	93.65 40	119	Mature and has much decay. Recommended removal.						
			35	Flam	96.48, 141.47, 144.6 144.6	60	163	38	Oliver	5.6 55	4.6	The tree is in the parking lot. The tree is in the parking lot. The tree is in the parking lot. The tree is in the parking lot. The tree is in the parking lot. Recommended removal.	
8	Mimosa	112.2, 119.9 14.65	36	Flam	47.2, 22.2 123.3	50	113	39	Oliver	8.6 55	7.2	Tree is in parking lot. The tree is in the parking lot. The tree is in the parking lot. The tree is in the parking lot. The tree is in the parking lot. Recommended removal.	
			37	Redwood	27.0 80	22.5	In fragments of proposed overture.						
9	Dooner cedar	16.6 55	38	Heily	2.6 60	2.2	In fragments of proposed overture.						
			39	Queen palm	15.4 75	118	Transpirable	61	Euclaypase	8.6, 7.4, 6.9 120.10	38	13.3	Empty grooves, pushing soil. Recommended removal.
10	Dooner cedar	18.3 70	40	Queen palm	23.0 73	10.8	Transpirable	62	Pernit	1" and 2" 45	NA	Tree is volunteer & spore. Recommended removal.	
			41	Flam	45.3, 56.5 45.3	60	13.5	63	Citronemier	1" and 2" 50	NA	Tree is volunteer, 5 spores. Recommended removal.	
11	Dooner cedar	22.0 45	42	Flam	68.5, 52.2 118.58	40	11.6	64	Euclaypase	4.5, 3.0 70.9	NA	Nearly dead. Remove recommended.	
			43	Flam	108.58, 4.8 12.7	40	12.7	65	Flam	9.8 40	8.2	Dying	
12	Cyper myrtle	1.3 75	44	Flam	87.5, 5.3 12.5	55	12.5	66	Euclaypase	10.2 40	8.5	Learn, improve and dying. Removal recommended.	
13	Cowd live oak	9.1 60	45	Flam	108.58, 4.8 12.7	40	12.7	67	Pernit	1" 70	NA	Tree is volunteer, 4 spores.	
14	Chickadee	2.7 70	46	Flam	87.5, 5.3 12.5	55	12.5	68	Euclaypase	2" 30	NA	Volunteer, too near wall.	
15	Chickadee	2.0 60	47	Flam	87.5, 5.3 12.5	55	12.5	69	Pernit	1" 70	NA	Volunteer, too near wall.	
16	Chickadee	2.4 70	48	Flam	87.5, 5.3 12.5	55	12.5	70	Euclaypase	1" 70	NA	Volunteer, too near wall.	
17	Magdala	14.2 65	49	Flam	87.5, 5.3 12.5	55	12.5	71	Euclaypase	1" 70	NA	Volunteer, too near wall.	

Continued on page 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000

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TREE SURVEY					TREE SURVEY					TREE SURVEY							
Diometer (inches)	Species	Comments	Tree No.	Species	Diometer (inches)	TLZ (feet)	Comments	Tree No.	Species	Diometer (inches)	TLZ (feet)	Comments	Tree No.	Species	Diometer (inches)	TLZ (feet)	Comments
1.3	Chickberry	Top is dying. Reopen for tree.	45	Plan	38.5.5	35	Leaves have significant decay and indicated bark. Removal recommended.	60	Pennsylvanian	1" and 3"	45	N/A	Fracture has indicated together into 12 trunks.				
2.8	Chickberry	Top has been and is not established. Top is dying. Reopen for tree.	46	Plan	71.4.1 (9.10)	46	Leaves have trunk decay. Removal recommended.	70	Pine	1"	45	N/A	10 trunks whenever.				
12.5	Magnolia	See comments for Tree No. 17.	47	Plan	82.5.6	47	Leaves have indicated bark. Removal recommended.	71	Oak	11.7	55	9.8	Oncey thinned and will sprout.				
14.0	Magnolia	See comments for Tree No. 17.	48	Plan	82.5.6	48	Leaves have indicated bark. Removal recommended.	72	Oak	13.7	55	11.8	Oncey thinned and will sprout.				
15.2	Chickberry	Flower from sapling.	49	Plan	21.6.2.4	49	Trunks at 45 feet. Building curb so in risk to reaching wall.	73	Deciduous magnolia	2" and 3"	75	6	6 trunks transmittable.				
2.4	Chickberry	Tree not established, low poor form.	50	Plan	13.0.12.5	50	Fracture at ground level with indicated bark on top.	74	Cypress	1"	70	N/A	12 trunks transmittable.				
4	Magnolia	New tree.	51	Plan	18.5	62	10 trunks in. Oncey thinned and will sprout.	75	Ash	10.7, 8.7, 8.0, 8.0	90	18.6	Tree is in forefront, has indicated bark.				
18.1	Magnolia	See comments for Tree No. 17.	52	Plan	9.8.8.2, 4.9 (14.0)	60	Mature and has indicated bark.	76	Pennsylvanian	1"	55	N/A	Multiple stems.				
9.6	Magnolia	Top thinned. See comments for Tree No. 17.	53	Plan	54.5.14.0 (6.0)	45	Mature and has indicated bark and gummy. Removal recommended.	77	Pennsylvanian	2.6, 3"	60	N/A	Multiple stems.				
2.1	Chickberry	Reopened proposed, transplant.	54	Plan	54.5.14.0 (6.0)	45	Mature and has indicated bark and gummy. Removal recommended.	78	Liquidambar	7.4, 4.4	65	N/A	In forefront.				
1.5	Chickberry	Reopened proposed, transplant.	55	Plan	10.5	55	Leaves and bark indicated bark and gummy. Removal recommended.	79	Liquidambar	8.7	70	N/A	In forefront.				
7.0	Doyle cedar	In proposed transplant.	56	Plan	10.5	55	Leaves and bark indicated bark and gummy. Removal recommended.	80	Cypress	1"	75	N/A	In forefront.				
12.2	Queen palm	Transmittable.	57	Plan	64.5.14.0 (10.0)	35	Leaves have indicated bark and gummy. Removal recommended.										
9 trunks	Yucca	Transmittable.	58	Plan	6.0, 6.5, 6.5	35	Leaves have indicated bark and gummy. Removal recommended.										
9 trunks	Yucca	Transmittable.	59	Plan	6.0, 6.5, 6.5	35	Leaves have indicated bark and gummy. Removal recommended.										

Additional trees were incorporated into this report on February 17, 2026. This includes all other trees which have diameters at 54 inches above natural grade. It also includes recommendations on the proposed sale or removal of all of the trees.



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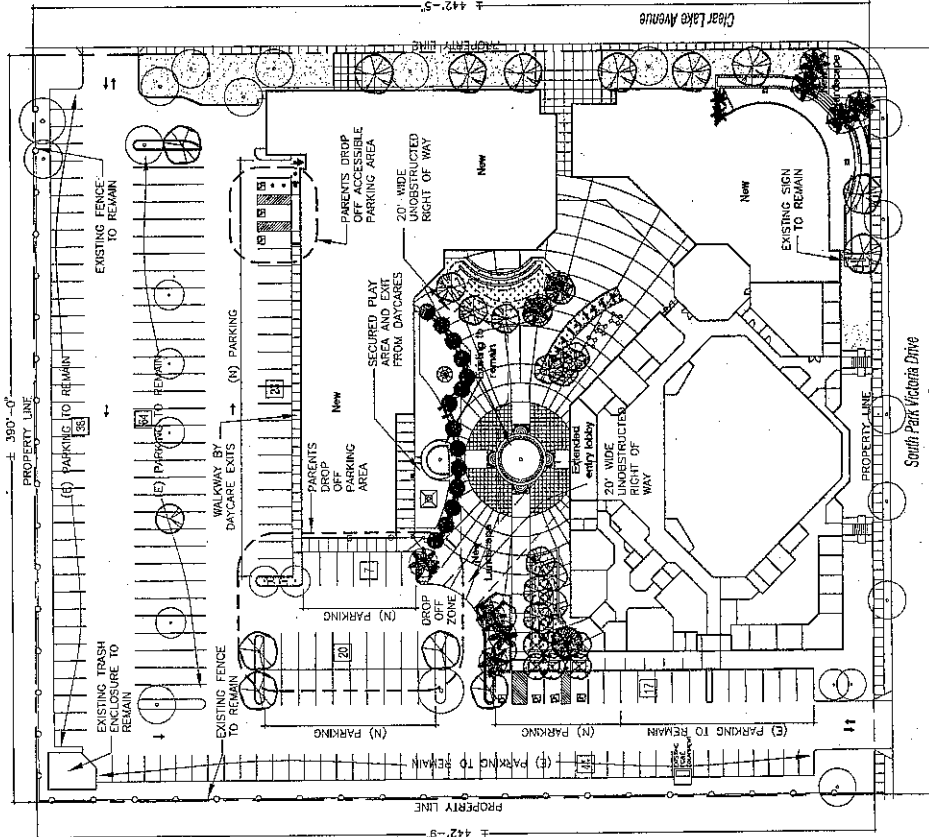
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210 Hammond Ave.
Fremont, California 94539
Tel: 510.445.1000
Fax: 510.445.1005
www.BCAonline.com

DESCRIPTION	AREA (SQ. FT.)	PERCENTAGE
PROJECT SITE SIZE	176,596	100%
EXISTING IMPERVIOUS SURFACE AREA	143,759	80.5%
EXISTING LANDSCAPE	34,800	19.5%
PROPOSED IMPERVIOUS SURFACE AREA	151,481	84.9%
PURPOSED LANDSCAPE	27,115	15.1%

DESCRIPTION	AREA (SQ. FT.)	PERCENTAGE
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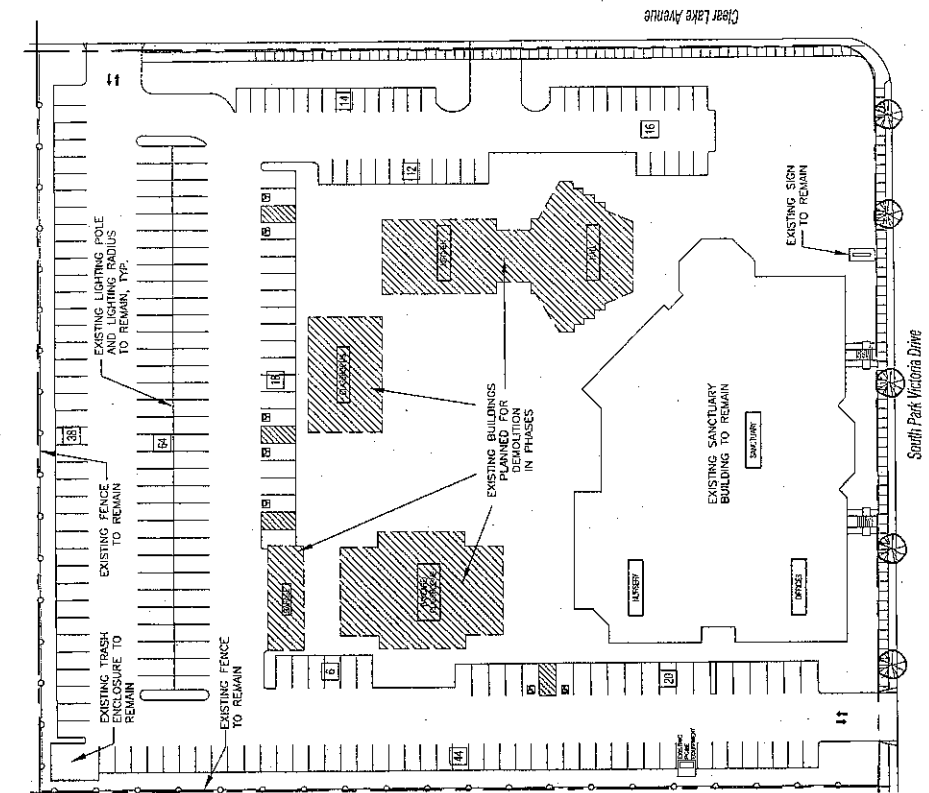


NUMBER OF PARKING SPACES PER ROW



SCALE 1"=30'

EXISTING SITE/DEMOLITION PLAN



NUMBER OF PARKING SPACES PER ROW



SCALE 1"=30'

Key Plan

Building Additions to
CHRIST COMMUNITY CHURCH
1000 South Park Victoria Dr.
Milpitas, CA

PROPOSED SITE PLAN
& DEMO SITE PLAN

Date: May 1, 2007
Scale: AS NOTED
Project Number: 041008
Drawing Number: SD1.0



Key Plan

Building Additions to

CHRIST
COMMUNITY
CHURCH

1000 South Park Victoria Dr.
Milpitas, CA

FIRST FLOOR PLAN

Driving Number

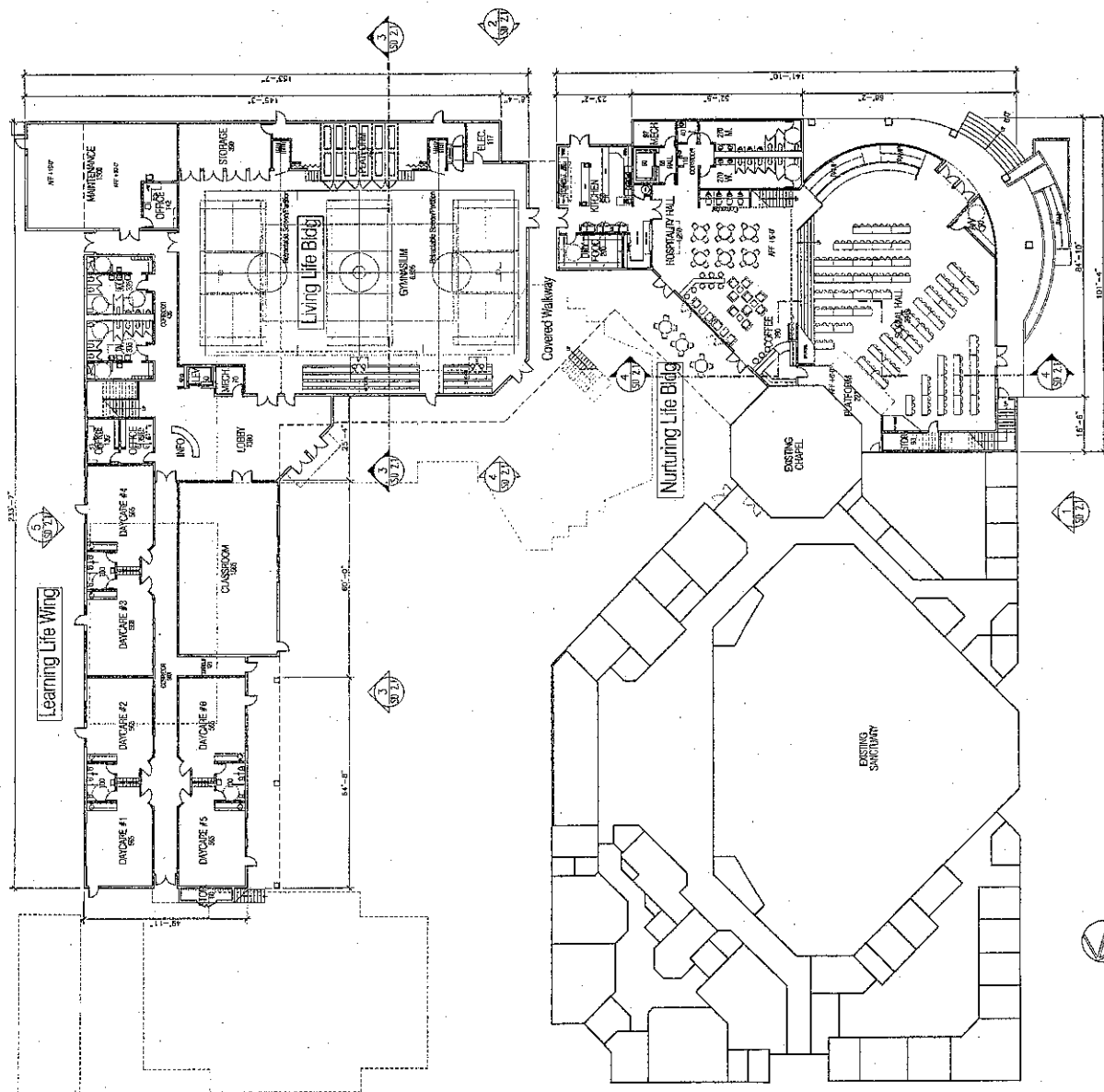
JULY 25, 2005

AS NOTED

Project Number

04008

SD1.1



FIRST FLOOR PLAN

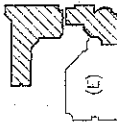
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LOCALS 1/16"-1"



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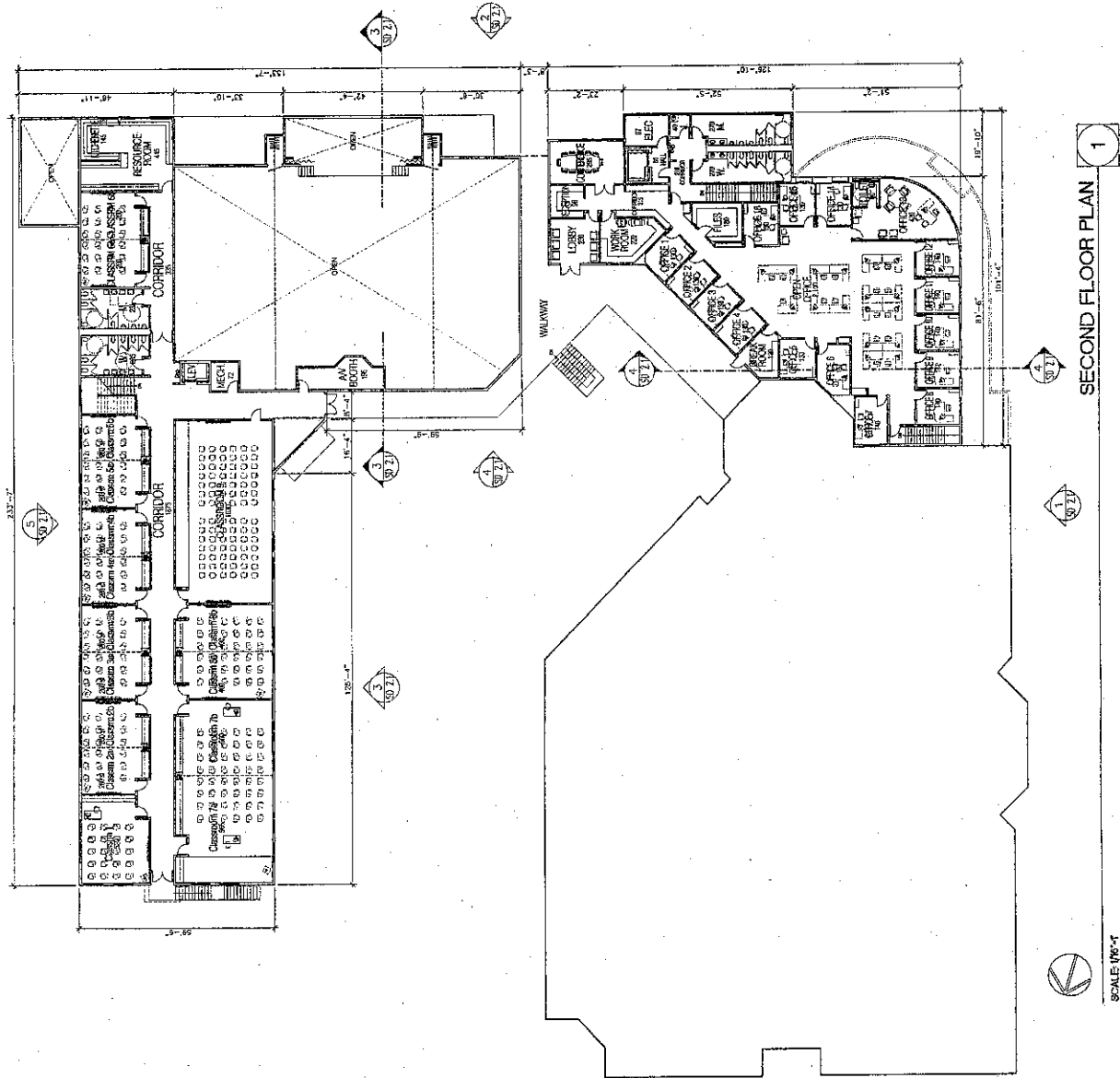


Key Plan

Building Additions to
**CHRIST
COMMUNITY
CHURCH**
1000 South Park Victoria Dr.
Milpitas, CA

SECOND FLOOR PLAN

DATE: JULY 26, 2005
SCALE: AS SHOWN
PROJECT NUMBER: 04008
SD1.2

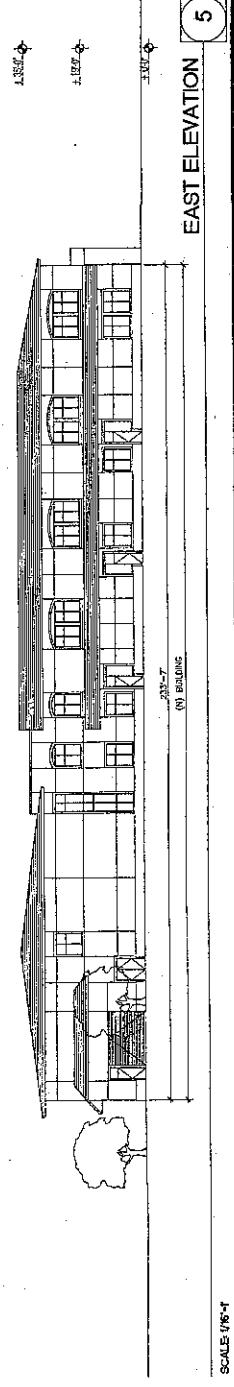
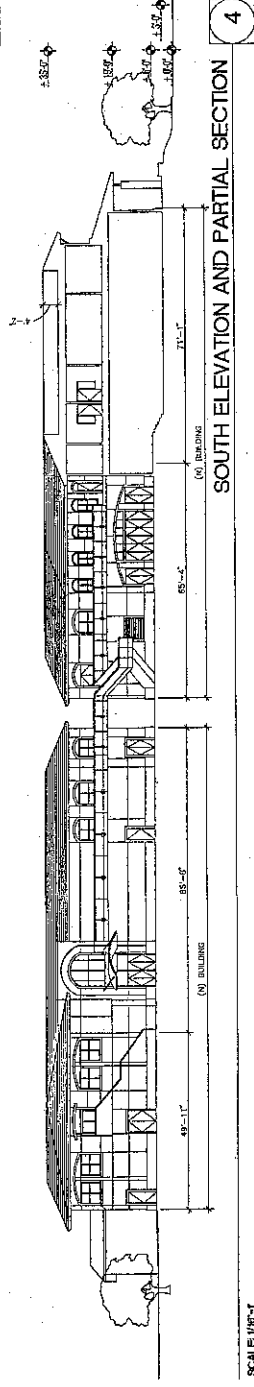
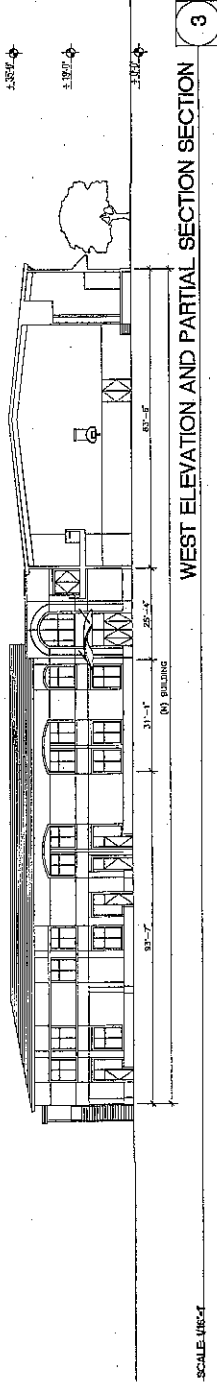
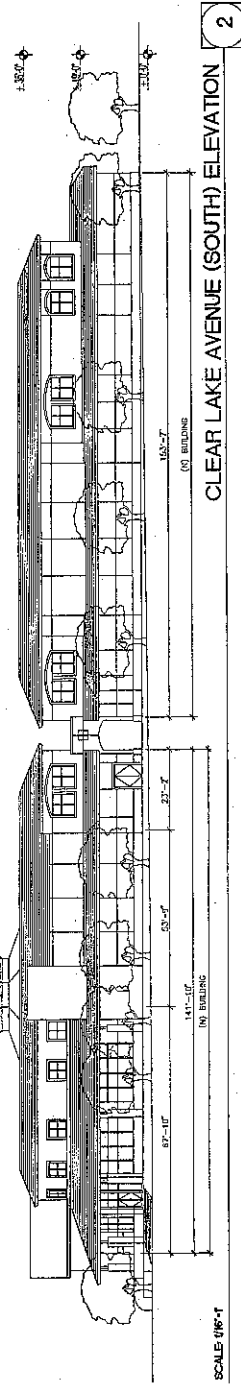
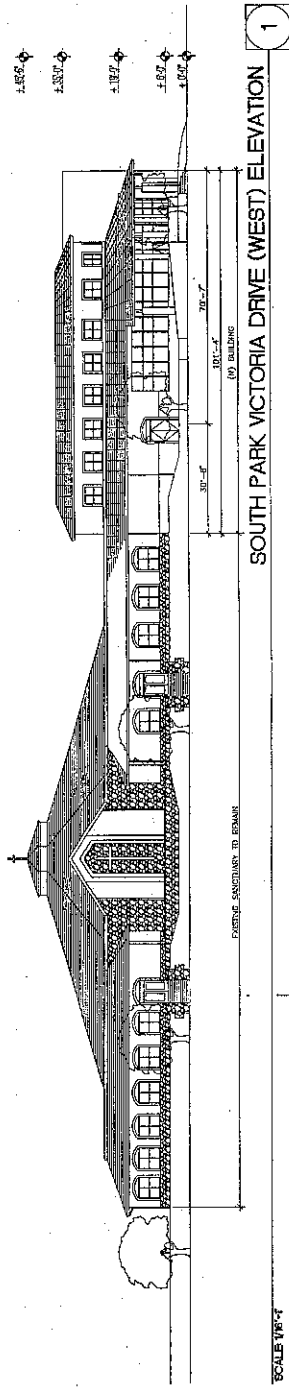


SCALE 1/8"=1'

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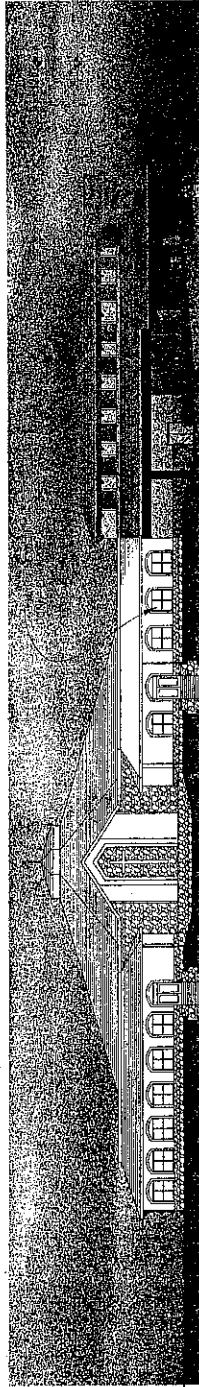


Key Plan

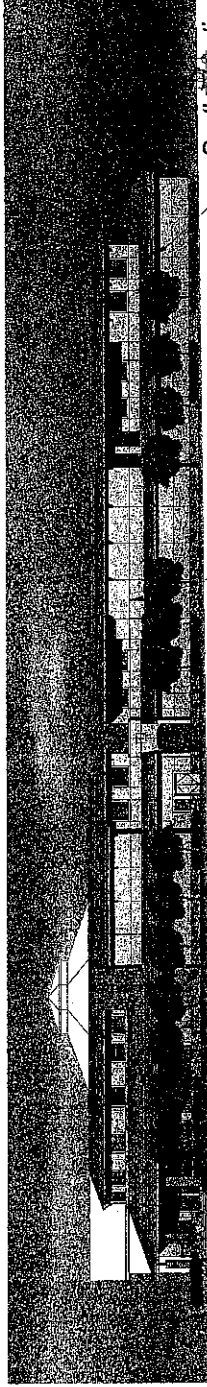
Building Additions to
CHRIST COMMUNITY CHURCH
1000 South Park Victoria Dr.
Milpitas, CA

**EXTERIOR ELEVATIONS
PARTIAL SECTIONS**

Sheet	SD2.1
Date	May 2, 2007
Drawn	AS
Check	AS
Project Number	00008



West Elevation

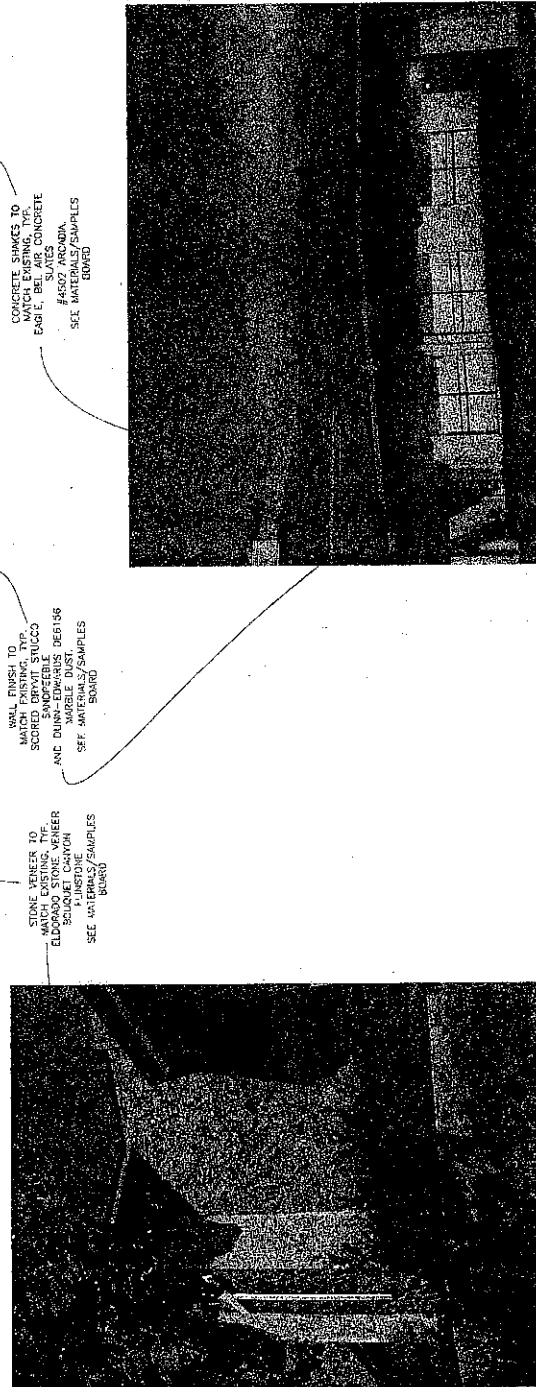


South Elevation

STONE VENER TO
MATCH EXISTING, TYP.
ELDON STONE VENER
SEQUOIA CANYON
FLINTSTONE
SEE MATERIALS/SAMPLES
BOARD

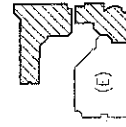
WALL FINISH TO
MATCH EXISTING, TYP.
SCORED BRICK STUCCO
AND DUNN-BRICK DEB156
SEE MATERIALS/SAMPLES
BOARD

CONCRETE SHAKES TO
MATCH EXISTING, TYP.
BAG E. BELLE CONCRETE
SLATES
#4507 ARCADIA
SEE MATERIALS/SAMPLES
BOARD



EXISTING SANCTUARY

2



Key Plan

Building Additions to

**CHRIST
COMMUNITY
CHURCH**

1000 South Park Victoria Dr.
Milpitas, CA

**EXTERIOR ELEVATIONS
AND MATERIALS**

Date
JULY 26, 2005

Scale
AS NOTED

Project Number
04008

SD2.2

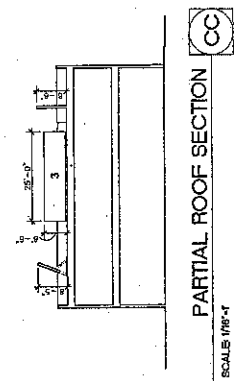
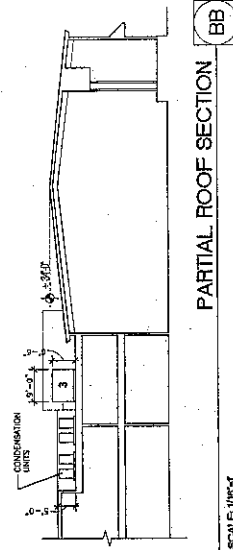
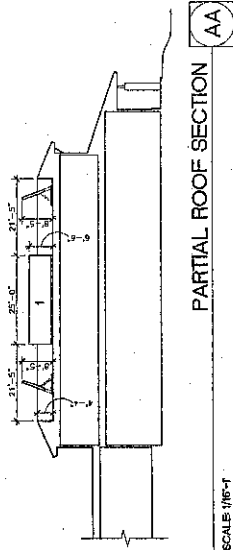
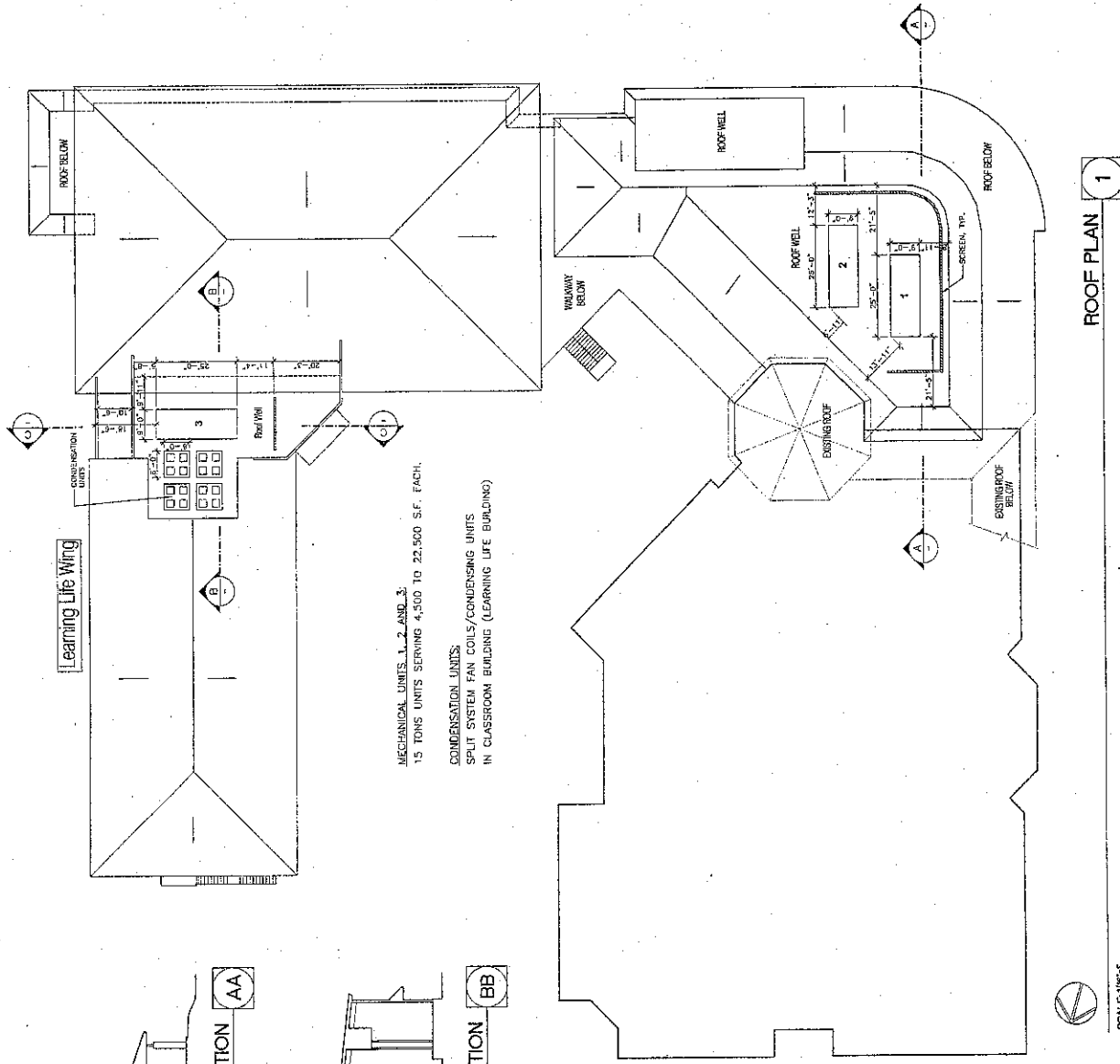


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	Key Plan
	Building Additions to CHRIST COMMUNITY CHURCH
	1000 South Park Victoria Dr. Milpitas, CA
	ROOF PLAN

Size	JULY 26, 2005
Scale	AS NOTED
Project Number	04008
Sheet Number	SD5.1





U
D
S

HARZOG DEVELOPMENT C
PATRICK NORGAN - ARCHITECT

10-10-68

62-4. BUREAU OF INVESTIGATION
CAMDEN, CALIFORNIA 93001

FIRST PRESBYTERIAN

**FREDDY FERNAN
CHURCH**

MILPITAS

3



CITY OF MILPITAS

455 EAST CALAVERAS BOULEVARD, MILPITAS, CALIFORNIA 95035-5479
GENERAL INFORMATION: 408-586-3000, TDD: 586-3013, www.ci.milpitas.ca.gov

September 9, 2005

File

Christ Community Church of Milpitas
c/o Paul Bunton, AIA
210 Hammond Avenue
Fremont, CA 94539

**USE PERMIT APPROVAL AMENDMENT NO.
UA2004-10; "S"-ZONE APPROVAL
AMENDMENT SA2004-100, AND
ENVIRONMENTAL ASSESSMENT NO. EA2005-2
PJ # 3181**

Request to demolish four (4) existing religious facility
ancillary buildings (approximately 21,150 square feet)
and construction of two (2) new ancillary buildings
(approximately 49,500 square feet), with site
modifications that include a parking reduction, removal
of protected trees and new landscaping.
1000 South Park Victoria Drive

Dear Mr. Bunton:

The above referenced project was reviewed and approved by the Milpitas Planning Commission at its meeting of August 24, 2005. Enclosed for your information is a copy of the approved "Special Conditions/Notes to Applicant" for the project. Please read the conditions and notes carefully. **Unless otherwise specified, these items must be resolved prior to building permit issuance for your project.**

The next step in the process is to submit working drawings or construction plans to the Building Division for plan checking. Please contact that Division (586-3240) for further information. Listed below are the names and phone numbers of others involved in the building permit process. It is to your advantage to contact those persons in order to see what material(s), if any, they will need regarding your application. This could expedite the permit processing.

Building Division: Leon Sheyman - 586-3245; Engineering Division: Robert Wang - 586-3327;
Fire Department: Albert Zamora - 586-3371

Expiration of permit or approvals:

Unless the approval is used or exercised, it will expire, without notice to you, eighteen (18) months after the date of approval, or by February 24, 2007. For the purpose of approval, an approval is "used" or "exercised" if the applicant obtains a building permit and completes a foundation, or dedicates any land or easement as required from the zoning action, or complies with all legal requirements necessary to commence the use, or obtains an occupancy permit, whichever is sooner.

A one-time 18-month time extension may be granted by the Planning Commission. It is valid only if approved before the pending expiration date. New conditions may be imposed on your permit through the review process for your extension of time for any permit. To obtain a time-extension, you must submit a request with appropriate fees to the Planning Division no later than December 22, 2006 to be scheduled for the Planning Commission meeting of February 28, 2007.

If you have any questions pertaining to this matter, please give me a call at (408) 586-3283. Thank you for participating in the City's planning review process.

Sincerely,

A handwritten signature in cursive script that reads "Kim Duncan".

Kim Duncan
Project Planner

cc: Presbytery of San Jose, 1000 South Park Victoria Drive, Milpitas CA 95035.
enc: Approved Special Conditions/Notes to Applicant

APPROVED SPECIAL CONDITIONS

USE PERMIT APPROVAL AMENDMENT NO. UA2004-10; "S"-ZONE APPROVAL AMENDMENT SA2004-100, AND ENVIRONMENTAL ASSESSMENT NO. EA2005-2

PJ # 3181

Request to demolish four (4) existing religious facility ancillary buildings (approximately 21,150 square feet) and construction of two (2) new ancillary buildings (approximately 49,500 square feet), with site modifications that include a parking reduction, removal of protected trees and new landscaping.

1000 South Park Victoria Drive

Planning Commission Approval: August 24, 2005

SPECIAL CONDITIONS

1. This Use Approval Amendment No. UA2004-10 approval is for the following parking reductions: 39 parking spaces during construction of Phase I and a parking reduction for 18 spaces after completion of Phase I; 75 parking spaces during construction of Phase II and a parking reduction of 24 parking spaces for the life of the project in accordance with the plans approved on August 24, 2005, and as modified by the conditions within this approval. Any modification to the project as proposed will require a use permit amendment by the Planning Commission. (P)
2. The 'S' Zone Approval Amendment No. SA2004-100 approval is for the demolition of four (4) ancillary buildings (totaling 21,150 square feet) and construction of two (2) new ancillary buildings (totaling 49,502 square feet), removal of six (6) protected trees, and landscaping in accordance with the plans approved on August 24, 2005 and as modified by the conditions within this approval. Any modifications to the project as proposed shall be subject to review and approval pursuant to Section 42.00-'S' Combining District. (P)
3. This use shall be conducted in compliance with all appropriate local, state and federal laws and regulations, and in conformance with the approved plans. (P)
4. If, at the time of application for permit, there is a project job account balance due to the City for recovery of review fees, review of permits will not be initiated until the balance is paid in full. (P)
5. If, at the time of application for a certificate of occupancy, there is a project job account balance due to the City for recovery of review fees, a certificate of occupancy shall not be issued until the balance is paid in full. (P)
6. All church evening activities shall end no later than 10:00 p.m. (P)
7. All rooftop equipment shall be shielded from view in a manner to the approval of the Planning Commission or its designee as specified in Section XI-10-42.10-2 of the Milpitas Municipal Code. Prior to the issuance of any permit for roof-top equipment, detailed architectural plans for the screening of this equipment demonstrating that the equipment is not visible from surrounding view points shall be reviewed and approved as specified in Section XI-10-42.10-2 of the Milpitas Municipal Code, in order to assure the screening of said equipment is in keeping with and in the interest of good architectural design principles. (P)
8. Prior to issuance of building permits, the applicant shall submit revised landscaping and irrigation plans incorporating an annual fertilization schedule for the remaining protected trees, per the arborist's recommendation, to keep the trees healthy during construction. (P)

9. Prior to issuance of building permits, the applicant shall submit lighting plans indicating the location of all proposed lights on site, as well as manufacture's brochure, to the Planning Division for Planning Commission Subcommittee review and approval. (P)
10. Prior to issuance of any permits, the applicant shall submit a revised Traffic Impact Analysis modified to be consistent with the tables provided in the staff report. (P)
11. The applicant shall subscribe to the terms and conditions of the Transportation Demand Management (TDM) Program, dated August 8, 2005 in perpetuity. (P)
12. Six (6)-months (or sooner if complaints received) after the commencement of grading for Phase I of the project, and six (6)-months (or sooner if complaints received) after the commencement of grading for Phase II of the project, the applicant shall submit to a public hearing and review by the Planning Commission in regards to any parking and traffic concerns. At the time of submittal for Planning Commission review, the applicant shall supply a report documenting the usage of the TDM program measures to gauge its effectiveness. The applicant shall be responsible for all fees and submittal requirements in regards to this review. (P, PC)
13. Prior to issuance of building permit, the applicant shall submit detailed landscape plans for Planning Subcommittee approval (PC 8/24/05) showing species type and location of 54 24" box replacement trees, as well as dense plantings for additional noise attenuation along the north perimeter sound wall. (P, PC)
14. Prior to the commencement of any construction or grading activities, chain link tree protective fencing shall be in place under the drip line of the six (6) protected trees proposed to remain on site, as shown on construction drawings. Tree protective fencing shall remain in place throughout all construction activities. (P)
15. Prior to issuance of an occupancy permit for Phase I (Nurturing Life) and Phase II (Living Life) buildings on this site, the required landscaping shall be planted and in place. (P)
16. The City Planning staff shall have approval authority for the installation of comparable substitute pest-resistant plant materials to satisfy the requirements of the approved landscape plan when the approved plants and materials are unavailable for installation or when other unforeseen conditions prevent the exact implementation of the landscape plan. (P)
17. Proper maintenance of landscaping, with minimal pesticide use, shall be the responsibility of the property owner in perpetuity. The pest reducing landscape maintenance techniques listed in the "Fact Sheet on Landscape Maintenance Techniques for Pest Reduction" are incorporated by reference into this condition. (P)
18. Prior to issuance of any building permits and certificate of occupancy, the applicant shall provide City Planning staff with verification of proposed TDM shuttle bus operation. (P)
19. During all construction activities on-site, the project applicant/developer shall adhere to the following Best Management Practices as suggested by BAAQMD. (*Mitigation Measure III.d-1*) (P):
 1. Watering all active construction areas twice daily and more often during windy periods. Active areas adjacent to existing land uses shall be kept damp at all times, or shall be treated with non-toxic stabilizers or dust palliatives.
 2. Cover all trucks hauling soil, sand and other loose materials or require all trucks to maintain at least a 2 feet freeboard level within their truck beds;
 3. Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites.

4. Sweep daily (with water sweepers) all paved access roads, parking areas and staging areas at construction sites;
 5. Sweep streets daily with water sweeper if visible soil material is carried onto adjacent public streets;
 6. Enclose, cover, water twice daily or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc.);
 7. Install sandbags or other erosion control measures to prevent silt runoff to public roadways;
 8. Plant vegetation in disturbed areas as quickly as possible;
 9. Suspend excavation and grading (all earthmoving or other dust-producing activities) during periods of high winds when watering cannot eliminate visible dust plumes or when winds exceed 25 mph (instantaneous gusts);
 10. Install wheel washers for all exiting trucks, or wash off the tires or tracks of all trucks and equipment leaving the site.
 11. Limit the area subject to excavation, grading and other construction activity at any one time.
20. In the event that human remains are encountered, the developer shall: Halt work in the immediate area of the remains; and (*Mitigation Measure V.d-1*) (P)
1. Contact the Santa Clara County coroner and the City of Milpitas; and
 2. Contact an archaeologist to evaluate the situation and make recommendations. If the remains are of Native American origin, the coroner will contact the Native American Heritage Commission, which will in turn contact the appropriate Most Likely Descendent (MLD). The MLD will have the opportunity to make a recommendation for the respectful treatment of the Native American remains and related burial goods. The archaeologist shall recover all scientifically valuable information as appropriate, in accordance with the recommendations of the MLD. Following the archaeologist's evaluation, a report should be prepared to document the methods, findings, and recommendations of the archaeologist conducting the work. The report shall be submitted to the City, the project applicant.
21. Prior to demolition permit issuance or any pre-demolition activities, the applicant shall submit to the City an Environmental Site Assessment (ESA) identifying any hazardous materials on site and guidelines/recommendations to mitigate environmental exposure and segregate hazardous from non-hazardous construction debris. (*Mitigation Measure VII-b-1*) (P)
22. Prior to condition of approval for any demolition activity, if asbestos-containing materials are determined to be present, the materials shall be abated by a certified asbestos abatement contractor in accordance with the regulations and notification requirements of the Bay Area Air Quality Management District. If lead-based paint is identified, then federal and State construction worker health and safety regulations shall be followed during renovation or demolition activities. If loose or peeling lead-based paint is identified, it shall be removed by a qualified lead abatement contractor and disposed of in accordance with existing hazardous waste regulations. In addition, if lead-based paint is identified, a contamination mitigation plan shall be submitted to and approved by the Department of Toxic Substance. (*Mitigation Measure VII-b-2*) (P)

23. Project grading and construction activities shall not occur outside the hours of 7:00 a.m. to 7:00 p.m. on weekdays and weekends, and shall not occur on the following holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day, as per the City of Milpitas Noise Ordinance. (*Mitigation Measure XI.d-1*) (P)
24. The applicant shall submit a Transportation Demand Modification (TDM) Program to the City Transportation Planning Division for review and approval detailing how the proposed carpooling program and shuttle bus service will reduce total parking demand to 213 spaces at any time during peak parking demand times for the life of the project. (*Mitigation Measure XV.f-1*) (P)
25. The issuance of building permits to implement this land use development will be suspended if necessary to stay within (1) available water supplies, or (2) the safe or allocated capacity at the San Jose/Santa Clara Water Pollution Control Plant, and will remain suspended until water and sewage capacity are available. No vested right to the issuance of a Building Permit is acquired by the approval of this land development. The foregoing provisions are a material (demand/supply) condition to this approval. (E)
26. Prior to issuance of any building permits, developer shall obtain approval from the City Engineer of the water, sewer and storm drain studies for this development. These studies shall identify the development's effect on the City's present Master Plans and the impact of this development on the trunk lines. If the results of the study indicate that this development contributes to the over-capacity of the trunk line, it is anticipated that the developer will be required to mitigate the overflow or shortage by construction of a parallel line or pay a mitigation charge, if acceptable to the City Engineer. (E)
27. Prior to building permit issuance, the developer shall dedicate necessary public service utility and sidewalk easement, as shown on Engineering Services Exhibit "S" (dated 1/17/2005). (E)
28. At the time of building permit plan check submittal the developer shall submit a grading plan and a drainage study prepared by a registered Civil Engineer. The drainage study shall analyze the existing and ultimate conditions and facilities. The study shall be reviewed and approved by the City Engineer and the developer shall satisfy the conclusions and recommendations of the approved drainage study prior to building permit issuance. (E)
29. The U.S. Environmental Protection Agency (EPA) has empowered the San Francisco Bay Regional Water Quality Control Board (RWQCB) to administer the National Pollution Elimination Discharge System (NPDES) permit. The NPDES permit requires all dischargers to eliminate as much as possible pollutants entering our receiving waters. Construction activities which disturb 1 acres or greater are viewed as a source of pollution, and the RWQCB requires a Notice of Intent (NOI) be filed, along with obtaining an NPDES Construction Permit prior to the start of construction. A Storm Water Pollution Prevention Plan (SWPPP) and a site monitoring plan must also be developed by the applicant, and approved by the City prior to permit issuance for site clearance or grading. Contact the RWQCB for questions regarding your specific requirements at (800) 794-2482. For general information, contact the City of Milpitas at (408) 586-3329. (E)
30. The developer shall comply with Regional Water Quality Control Board's C.3 requirements and implement the following (E):
 - A. At the time of building permit plan check submittal the developer shall submit a "final" Stormwater Control Plan and Report substantially in conformance to the Stormwater Control Plan prepared by BKF Engineers, dated 2/28/05. Site grading, drainage, landscaping and building plans shall be consistent with the approved Stormwater Control Plan. The Plan and Report shall be prepared by a licensed Civil Engineer and certified that measures specified in the report meet the C.3 requirements of the Regional Water Quality Control Board (RWQCB) Order, and shall be implemented as part of the site improvements.
 - B. Prior to building permit issuance, the developer shall submit an Operation and Maintenance (O&M) Plan for the long-term operation and maintenance of C-3 treatment facilities.

- C. Prior to Final occupancy, the developer shall execute and record an O&M Agreement with the City for the operation, maintenance and annual inspection of the C.3 treatment facilities.
31. Based on the information submitted and the City records, this parcel does not appear to be a legal parcel of record. Before building permit issuance, the developer shall submit a title search to establish the legality of this parcel, obtain a Certificate of Compliance or file a parcel map. (E)
32. The developer shall not obstruct the noted sight distance areas as indicated on the City standard drawing #405. Overall cumulative height of the grading, landscaping & signs as determined by sight distance shall not exceed 2 feet when measured from street elevation. (E)
33. All existing on-site public utilities shall be protected in place and if necessary relocated as approved by the City Engineer. No permanent structure is permitted within City easements and no trees or deep-rooted shrubs are permitted within City utility easements, where the easement is located within landscape areas. (E)
34. Applicant/property owner shall be responsible for the trash collection and recycling services account. Prior to occupancy permit issuance, the applicant shall submit evidence to the City that the following minimum refuse and recycling services have been subscribed with BFI for commercial services (E):
- A. Maintain an adequate level of service for trash collection, 1-3 CYD collected 1X/week.
 - B. Maintain an adequate level of recycling collection, 1-3 CYD collected 1X/week.
35. After the applicant has started its business, the applicant shall contact BFI commercial representative to review the adequacy of the solid waste level of services. If services are determined to be inadequate, the applicant shall increase the service to the level determined by the evaluation. For general information, contact BFI at (408) 432-1234, x-264. (E)
36. Prior to any work within public right of way or City easement, the developer shall obtain an encroachment permit from City of Milpitas Engineering Division. (E)
37. The developer shall submit the following items with the building permit application and pay the related fees prior to final inspection (occupancy) by the Building Division (E):
- A. Water Service Agreement(s) for water meter(s) and detector check(s).
 - B. Sewer Needs Questionnaire and/or Industrial Waste Questionnaire.
 - C. Contact the Land Development Section of the Engineering Division at (408) 586-3329 to obtain the form(s).
38. In accordance with Chapter 5, Title VIII (Ord. 238) of Milpitas Municipal Code, for new and/or rehabilitated landscaping 2500 square feet or larger the developer shall (E):
- A. Provide separate water meters for domestic water service & irrigation service. Developer is also encouraged to provide separate domestic meters for each tenant.
 - B. Comply with all requirements of the City of Milpitas Water Efficient Ordinance (Ord No 238). Two sets of landscape documentation package shall be submitted by the developer or the landscape architect to the Building Division with the building permit plan check package. Approval from the Land Development Section of the Engineering Division is required prior to building permit issuance, and submittal of the Certificate of Substantial Completion is required prior to final occupancy inspection.
- Contact the Land Development Section of the Engineering Division at (408) 586-3329 for information on the submittal requirements and approval process.
39. Per Milpitas Municipal Code Chapter 2, Title X (Ord. No. 201), developer may be required to obtain a permit for removal of any existing tree(s). Contact the Street Landscaping Section at (408) 586-2601 to obtain the requirements and forms (E).
40. At the time of building plan check submittal, the developer shall incorporate the changes shown on Engineering Services Exhibit "S"(dated 1/17/2005) in the design plans and submit six sets of civil

engineering drawings showing all proposed utilities to the Land Development Engineer for plan check (E).

41. Prior to issuance of a building permit for Phase I, the applicant shall submit an acoustical analysis for staff approval showing how the project complies with the cities adopted noise standards. (PC – 8/24/05)

(P) = Planning Division

(E) = Engineering

(PC) = Planning Commission

Distribution:

Applicant & Owner

Albert Zamora, Fire Dept.

Keyvan Irannejad, Building Div.

Mehdi Khaila, Principal Civil Engineer

Joe Oliva, Trans., Planning Div.

Greg Armendariz, City Eng., Eng. Div.

Ken Brown, Building Inspection

Carol Randisi, Public Works Div.

Jane Corpus, Finance

File

August 24, 2005 Planning Commission Meeting

Item No.

MILPITAS PLANNING COMMISSION AGENDA REPORT

Category: Public Hearing

Report prepared by: Kim Duncan

Public Hearing: Yes: X No:

Notices Mailed On: 4-15-05 Published On: 4-14-05 Posted On: 4-15-05

TITLE: USE PERMIT APPROVAL AMENDMENT NO. UA2004-10;
"S"-ZONE APPROVAL AMENDMENT SA2004-100, AND
ENVIRONMENTAL ASSESSMENT NO. EA2005-2

Proposal: Request to demolish four (4) existing religious facility ancillary buildings (approximately 21,150 square feet) and construction of two (2) new ancillary buildings (approximately 49,500 square feet), with site modifications that include a parking reduction, removal of protected trees and new landscaping.

Location: 1000 South Park Victoria Drive

APN: 088-37-076

RECOMMENDATION: Adoption of the draft Mitigated Negative Declaration and Approval with conditions

Applicants: Christ Community Church of Milpitas, c/o Paul Bunton, AIA, 210 Hammond Avenue, Fremont, CA 94539.

Property Owner: Presbytery of San Jose, 1000 South Park Victoria Drive, Milpitas CA 95035.

Previous Action(s): 'S'-Zone Approval and Amendments, Use Permit and Amendments

General Plan Designation: Multi-Family High Density

Present Zoning: Multi-Family High Density (R3) with 'S'-Zone Overlay.

Existing Land Use: Religious facility and day care center

Agenda Sent To: Applicant, project manager and property owner

Attachments: Plans, letter of request from applicant, schedule of activities, Initial Study and Draft Mitigated Negative Declaration, Mitigation Monitoring Program, Focused Traffic Impact Assessment (dated July 26, 2005), Arborist Report (dated July 16, 2004), letters from residents (dated April 21, 2005, June 10, 2005, August 15, 2005), petition (dated April 22, 2005), Transportation Demand Management (TDM) Program, Table 1 & 2-Peak Parking Demand Based on Shared Parking/Joint Use.

PJ#

3181

BACKGROUND

On March 23, 1966, the Planning Commission approved Use Permit No. 110 to construct and operate a church (First Presbyterian) that included administrative, educational and multi-use buildings. Subsequent Planning Commission approvals include an additional 2,400 square foot building, 2-story addition to the education building, expansion of sanctuary seating, addition of classrooms, temporary trailers for classrooms, exterior signs, and Use Permit No. 497 for the operation of a pre-school/daycare. In addition, the Planning Commission approved a new 52,715 square foot, 2 story church sanctuary in 1989, however the new sanctuary was never constructed. The current sanctuary was approved by the Planning Commission on March 11, 1992.

Site and Area Description

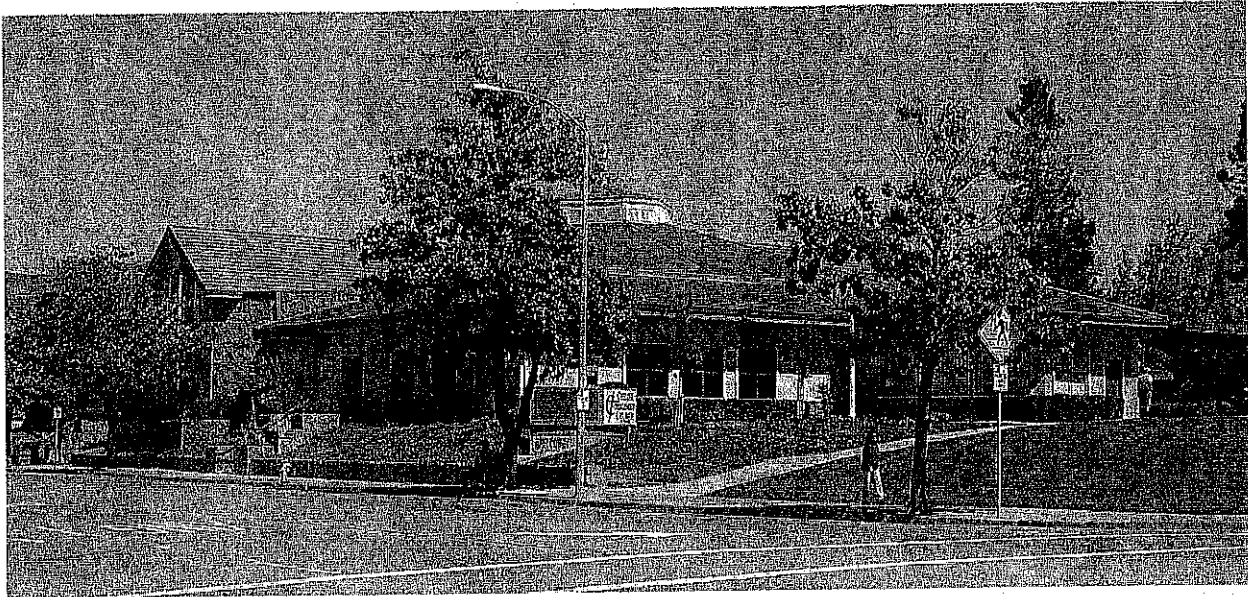
The project site is a 3.97-acre parcel on the northeast corner of South Park Victoria Drive and Clear Lake Avenue, east of I-680, in a Multi-Family High Density (R3) zoning district. The site is currently developed with a 25,200 square foot sanctuary building with administrative offices (Building A), 9,300 square foot daycare/classrooms (Building B), 1,030 square foot garage (Building C), 4,760 square foot classrooms (Building D) and a 6,060 square foot kitchen/fellowship hall (Building D).

Primary vehicular access is provided by three (3) two-way driveways located at the northwest (South Park Victoria Drive), southeast, and southwest (Clear Lake Drive) portions of the parcel. An existing crosswalk across South Park Victoria provides pedestrian access from Park Victoria Plaza to the southwest corner of the project site. Existing landscaping includes mature trees (Redwood, Liquidambar and Privet) in the courtyard, as well as numerous other mature species (Deodar cedar, Olive, Ash, Plum, etc.) throughout the site and perimeter of the parcel.

Adjacent land uses include Single Family (R1-6) residential to the north and east, and Multi-Family (R3-Park Avenue Condominiums) residential to the south of the project site.

Administrative/Professional Office (CO) uses are located to the west of the project site, with businesses such as dental, realty, music, tutoring, and accounting offices at the Park Victoria Plaza.

On a regional scale, the project site is located on the valley floor of a predominantly residential and commercial business district, west of Piedmont Road. According to the latest Alquist-Priolo seismic study map (1982, USGS) the project site is located outside the Alquist-Priolo Special Study Zone. According to the General Plan, seismic studies are not required for the project at the proposed location.



Christ Community Church of Milpitas (from South Park Victoria Drive and Clear Lake Avenue)

THE APPLICATION

The applicant is requesting approval of an 'S' Zone Approval Amendment application, pursuant to Section 42.00 (Site and Architectural Review), for the construction of two (2) new ancillary religious facility buildings and the removal of protected trees, as well as a Use Permit Approval Amendment for parking reductions, pursuant to Section 57.02-18 (Conditional Uses).

Project Description

The applicant is requesting Site and Architectural approval for the demolition of four (4) existing ancillary church buildings (Buildings B, C, D, & E) and construction of two (2) new ancillary buildings. The demolition and construction of the buildings are proposed in two (2) phases: Phase 1 would construct a 2-story, 17,389 square foot ancillary building (Nurturing Life) with a social hall, hospitality hall with kitchen, and administrative offices. Phase 2 would demolish Buildings B, C, D, and E (totaling 21,150 square feet) and construct a 2-story, 32,113 square foot building (Living Life) with daycare, classrooms, and a gymnasium. No modifications are proposed to the existing 25,200 square foot sanctuary building. In addition, while an existing child daycare facility operates at the site, the applicant is not proposing to operate a school, as defined in Section 2.69 of the zoning ordinance.

The proposed uses and facility operations of the project site upon build-out (existing sanctuary building and the 2 new buildings) include:

Sanctuary Building (existing): Sanctuary for religious services, nartharex, nursery rooms, choir practice rooms, administrative offices, and chapel for adult Sunday school, prayer meetings and bible study.

- Sanctuary: Two (2) Sunday morning worship services (9:00 a.m.-12:15 p.m.), and evening Calling Service (6:30 p.m.-8:30 p.m.);
- Chapel: Adult Sunday school (9:00 a.m.-12:15 p.m.); Bible study, prayer, deacon and session meetings Monday-Saturday (6:30-9:30 p.m.);
- Nursery: Children's (age 0-5 yrs.) nursery Sunday (9:00 a.m.-12:15 p.m.); Wednesday/Thursday (6:30 p.m.-8:30 p.m.); and
- Administrative Offices: Monday-Friday (9:00 a.m.-5:00 p.m.).

Nurturing Life Building (Phase I): Social Hall for small group gatherings (movies, plays, etc), Hospitality Hall with kitchen for coffee, bible study, prayer meetings and young adult fellowship, and relocated administrative offices;

- Social Hall: Jr./Sr. High Sunday school Sunday (9:15 a.m.-10:15 a.m.); Small group gatherings or performances daily (6:00 p.m.-10:00 p.m.);
- Hospitality Hall: Coffee service Sunday (10:15 a.m.-10:40 a.m.); ministry meetings Monday-Friday (9:00 a.m.-5:00 p.m.); bible study, fellowship, prayer meetings Monday-Friday (6:30 p.m.-9:30 p.m.);
- Kitchen: food preparation Sunday (12:30 p.m.-1:00 p.m.), Thursday (6:30 p.m.-8:00 p.m.), and various times for special events;
- Administrative Offices: Monday-Friday (9:00 a.m.-5:00 p.m.)-relocated from sanctuary building.

Living Life Building (Phase 2): Daycare/pre-school rooms for Milpitas Christian Pre-School, classrooms for Sunday school, ESL classes and meetings, resource and maintenance rooms for storage/maintenance supplies, and a gymnasium for youth sports programs and annual special performances.

- Daycare/preschool: Milpitas Christian Pre-School Monday-Friday (9:00 a.m.-3:30 p.m.);
- Classrooms: Children's Sunday school Sunday (9:00 a.m.-12:30 p.m.), English as Second Language (ESL) Sunday (10:30 a.m.-12:00 p.m.), and various religious study, fellowship, and AA meetings Monday-Friday (6:30 p.m.-9:30 p.m.);
- Gymnasium: Sports programs, youth activities, Boy Scout meetings Monday-Thursday (6:00 p.m.-10:00 p.m.), and special performances 4-5 times a year.

Proposed exterior site modifications include an enhanced central courtyard with landscaping and trellis fixtures, outdoor amphitheater, secured play area for the daycare, entry patio and plaza, and reconfigure new parking spaces. As part of the proposed site modifications, the applicant is also requesting approval for the removal of six (6) protected trees (greater than 56 inch circumference) and a use permit approval amendment for a parking space reduction on the project site.

'S' ZONE APPLICATION

Site and Architectural Compatibility with Surrounding Development

1. Site layout

Nurturing Life: The applicant is proposing to locate a 17,389 square foot, two-story building (Phase 1) in the southwest corner of an existing square shaped parcel. The building footprint will be set back approximately 16 feet from the side property line (adjacent to South Park Victoria Drive) and 20 feet from the front property line (adjacent to Clear Lake Avenue) and will share walls with the chapel and choir practice rooms of the existing sanctuary building. Primary access to the Nurturing Life building will be from the interior courtyard area. A circular entryway facing the southwest corner of South Park Victoria Drive and Clear Lake Avenue will provide access from the street.

Living Life: In addition, the applicant is proposing to locate a 32,113 square foot, two-story 'L' shaped building (Phase 2) centrally located on the parcel north of Clear Lake Avenue and set back 20 feet from the front property line. Access will be provided by numerous entries along the perimeter of the building, as well as a primary entryway facing the interior courtyard.

Site Layout: The overall site layout of the existing sanctuary and two proposed buildings would create an interior courtyard, serving as the primary gathering area for parishioners and families. In addition, the location of these buildings would create a noise buffer to adjacent residential communities to the east and south of the site.

Vehicular Access: The applicant is proposing to demolish the centrally located driveway off Clear Lake Avenue (closest to South Park Victoria Drive). Direct vehicular access to the project site would remain off South Park Victoria Drive and Clear Lake Avenue at the two existing driveways located on the northwest and southeast corners of the parcel. Parking is provided along the north and east perimeters of the parcel, as well as adjacent to the Living Life building. Landscaped areas are provided throughout the parking lot, interior courtyard, and outer perimeter of the site.

2. Building Architecture

Architectural Design: The proposed buildings consists of Mediterranean style arched and rectangular windows with cross-cut glass panes, and main exterior entryway doors accented with arched elements. The Nurturing Life building (Phase I) consists of a circular arcade with rectangular column supports and curved glass panels to orient the structure to the intersection of South Park Victoria Drive and Clear Lake Avenue. The second floor is stepped back to break up the building mass and allow the current sanctuary to stand as the dominant building on site. The Living Life building (Phase 2) will carry over the same exterior architectural elements of the proposed Nurturing Life building. A second story exterior balcony would provide access between the Living Life and Nurturing Life second story buildings from the courtyard.

Color Scheme: The proposed colors consists of Sandpebble, Marble Dust, Desert Suede and Egyptian Sand stucco exterior walls. Doors and frames are proposed to be in a Black Walnut (to match existing) with dark glazed glass windows. Wainscotting along the building exterior is proposed to match the existing sanctuary building with Eldorado Stone Veneer and Bouquet Canyon Flintstone. The proposed roofing of both buildings would consist of Bel Air concrete

slate to match the existing roof material. The courtyard would include San Francisco cobble and scored concrete pavers, recirculating fountain with up lighting, outdoor amphitheater, and wood surface play area and trellis fence/gate in the preschool/daycare area.

3. Landscaping and Protected Tree Removal

Modifications: According to the conceptual landscape plans submitted by the applicant, existing landscaping in the setback areas along the east and north property lines will remain, as well as parking lot shade trees along the eastern parking strip. Proposed landscaping includes purple plum trees planted along South Park Victoria Drive and Clear Lake Avenue, Italian cypress outside the preschool/daycare play area, White Birch in the amphitheater landscape mound, Queen Palms outlining the fountain perimeter and White Birch throughout the site. In addition, proposed shrubs, groundcovers, and vines include Sword Fern, Mexican Feather Grass, Lily of the Nile, Camelia, African Iris, Daylily, Papyrus, Pin and White Carpet Rose, Calla Lily, Star Jasmine, Bougainvillea Pink Jasmine, Wisteria, and Climbing Lady Bank Rose.

Trees: Currently, there are 82 existing trees on site, of which twelve (12) are protected trees. As part of the proposed site modifications, the project landscape plans indicate that six (6) of these protected trees are proposed for removal (Trees No. 6, 9, 37, 75, 81, and 82). However, according to the proposed planting legend (Sheet L1.0) fifty-four (54) 24" box trees are proposed to be installed as part of the overall site landscaping, which is a replacement planting ratio of 1:9. Because of the high replacement-planting ratio, staff is confident that natural resources and quality of life will be preserved, and removal of the six (6) protected trees will not create a negative aesthetic impact to the project site. *Staff recommends*, as a condition of approval, the applicant provide, with construction drawings, a detailed landscape plan showing a minimum of fifty-four (54) 24" box replacement trees to staff for review and approval.

The arborist report (incorporated in Sheets L0.1 and L0.2) recommends annual fertilization into the tree root zone using hydraulic spray equipment to keep existing on-site trees healthy during construction. Therefore, *staff recommends* a condition that trees proposed to remain are annually fertilized, per the arborist recommendation, to keep the trees healthy during construction.

Typically, construction related impacts to established trees consist of root/soil compaction under the drip line and damage to existing branches/limbs due to the operation of heavy construction equipment. Such construction impacts can cause life-long damage to the trees, causing unsightly breaks to branches, or eventually kill the trees. Therefore, *staff recommends* a condition that the applicant provides tree protective fencing for the six (6) ordinance sized trees proposed to remain during construction.

4. Solid Waste/Recycling

According to the project plans, an existing trash enclosure is located at the northeast corner of the parcel and no changes are proposed to the enclosure. It is expected that the religious facility would not generate higher levels of garbage than current levels, however, *staff recommends*, as a condition of approval, the applicant submit evidence to the City that minimum refuse and recycling services have been subscribed for the project.

5. Stormwater Runoff

The new C3 Stormwater requirements apply to new developments that exceed 1 acre in size and require the surface run-off to be controlled in terms of quantity (reduced volume) and quality (less polluted). Consistent with these requirements, the applicant has submitted a stormwater control plan that includes the implementation of landscape swales and bio-retention areas to capture, drain, and clean run-off from the impervious surfaces within the project. The run-off from the courtyard and roof will be drained to and filtered in landscape infiltration and bio-retention swales, where it will be treated and discharged into the existing drainage system.

6. Lighting

The applicant is not proposing any new on-site or building lighting with this application, however any new light standards or wall-mounted light fixtures in Valley Floor 'S' Combining districts require Planning Subcommittee review. Therefore, *staff recommends* a condition of approval that prior to issuance of building permits, the applicant submit plans to the Planning Division for Planning Commission Subcommittee review and approval of all future light fixtures.

7. Rooftop Equipment

As noted on the roof plans (Sheet SD5.1), three rooftop mechanical units are proposed on the building rooftops. In addition, rooftop screening is proposed to conceal the equipment. According to the plans, all rooftop mechanical equipment shown is below the proposed roof screen. A standard condition of approval that rooftop equipment shall not exceed the height of the roof screen or parapet shall be applied.

8. Circulation

Driveways: Primary access to the project site is currently provided by three (3) two-way driveways located off South Park Victoria Drive and Clear Lake Avenue at the northwest and south portions of the parcel. The applicant is proposing to remove the southwest driveway off Clear Lake Drive (nearest South Park Victoria Drive). The driveway to the northwest provides access to parking from South Park Victoria at the northern portion of the site to the sanctuary and interior courtyard. The remaining driveway from Clear Lake Drive will provide access to parking located at the rear portions of the parcel, as well as the preschool/daycare. On-site traffic circulation is provided in a semi-circular direction along the north and east perimeters, providing a smooth flow of in-and-outgoing traffic on the site.

Access: Surrounding street traffic circulation relies on access to and from South Park Victoria Drive via the intersections at Clear Lake Avenue and Big Basin Drive. Traffic entering South Park Victoria Drive from Clear Lake Avenue is stop sign controlled and Big Basin Drive intersection is light signal controlled. In response to concerns from area residents regarding potential parking and traffic congestion issues, a focused Traffic Impact Analysis (TIA), dated July 26, 2005, was conducted. According to the TIA, a traffic signal at the Clear Lake Avenue/South Park Victoria Drive intersection is not warranted when considering the peak hour signal warrant. In addition, the applicant is proposing a carpool program by providing shuttle bus service that will pick-up and drop off parishioners at designated locations throughout the City during the peak time periods. According to the TIA, this shuttle service would potentially further reduce the need for a traffic signal at Clear Lake Avenue/South Park Victoria Drive.

USE PERMIT APPROVAL AMENDMENT

The applicant is requesting a Use Permit approval amendment for parking space reductions, pursuant to Section 57.02-18 (Conditional Uses Permitted by Commission-Permit modification of the automobile parking space).

Any approval of a Use Permit approval amendment requires that the Planning Commission make the following findings:

1. The proposed use is consistent with the Milpitas General Plan.
2. The proposed use is consistent with the Milpitas Zoning Ordinance.
3. The proposed use, at the proposed location will not be detrimental or injurious to property or improvements in the vicinity nor to the public health, safety, and general welfare.

The following sections explain how the proposed project, as conditioned, meets these findings.

Parking and Parking Reduction

Off-street parking requirement calculations for this project are based on Milpitas Zoning Ordinance, Section 53.23-5(5)-Parking Schedule (Religious Institutions), which requires parking based on 1 space per 5 seats in the main area of assembly, 1 space per classroom, and 1 space per 200 square feet of office space. In addition, Section 53.23-5-3 provides parking for places of meeting or assembly at 1 space per 4 seats. These ratios factor in parking for patrons and employees. It should be noted that when calculating parking using the zoning ordinance, the calculation reflects the worst case scenario of all uses occurring at the same time.

Zoning code based parking requirements for Christ Community Church of Milpitas at build-out of Phase I and Phase II are shown in Table 1 below and indicate that the zoning ordinance required parking for Phase I is 263 and 511 for Phase II.

Table 1.

Christ Community Church of Milpitas Parking Requirements

Phase	Use	Parking Standard	Required Parking
Existing	Sanctuary	1 per 5 seats	181
Existing	Chapel-adult Sunday School	1 per 5 seats	25
Existing*2	Classrooms	1 per classroom	20
Existing*1,2	Offices	1 per 200 sq. ft.	17
Phase I	Nurturing Life Social Hall-Jr./Sr. High Sunday School	1 per 500 sq. ft.	8
Phase I	Hospitality Hall	1 per 3 seats	12

Total Required Phase I			263
Phase II	Living Life daycare & classrooms-children's Sunday School	1 per classroom	23
Phase II	Offices	1 per 200 sq. ft. 1 st floor 1 per 400 sq. ft. 2 nd floor	16
Phase II	Gymnasium	1 per 4 seats (1 seat=7 sq.ft. of seating area, i.e. NFA)	246
Total required Phase II			511

*1-On March 11, 1992, the Planning Commission approved parking for the existing facility at 217 parking spaces, which did not include administrative offices. The applicant is unsure of future uses of the existing office areas, however any future use of this area will be required to meet current parking standards and/or a use permit amendment shall be required.

*2-Relocated in Phase II

Table II below illustrates the parking deficiency that will exist after the completion of each phase, as well as during construction of each phase, since portions of existing parking areas will be eliminated for locating new structures or used for staging of materials during construction of new parking areas and structures. For example, during Phase I, 16 of the 232 existing parking spaces will be demolished and 21 parking spaces used as a construction staging area, leaving 195 parking spaces available for use during construction of Phase I. After completion of Phase II (Living Life), the number of classrooms would increase from 20 (existing buildings to be demolished in Phase II) to 23. During construction of the Living Life building (Phase II), 57 parking spaces would be removed, creating a deficit of 104 parking spaces. However, after construction is complete, 213 parking spaces would be available on site.

Table II shows that the largest deficiency (298 spaces) will occur after the construction of Phase II when the gymnasium/auditorium/multi-purpose facility will be built. However, Section 53.07 of the zoning ordinance provides for the ability for applicants to demonstrate reduced parking needs through joint use (sharing of parking) where there is no conflict in the principal operating hours of the various uses on site given parking demands for the uses occurring at different times of the day or days of the week. This is demonstrated through a ULI (Urban Land Institute) shared parking methodology depicted in the attached Table III (for Phase I) and Table IV (for Phase II).

Table 2.
Parking Reduction for Phase I and Phase II

Phase I Available Parking During Construction	Phase I Parking Available After Construction
232 Existing (16) Demolished (21) Construction staging 195 Total parking available	243 Existing required parking (195) Provided onsite during const. 48 Deficit during Phase I const. 263 Required after Phase I (216) Available after Phase I 47 Total deficit after Phase I
Phase II Available Parking During Construction	Phase II Parking Available After Construction
216 Existing parking (57) Construction staging 159 Total during construction (54) Add/reconfigure parking 213 total parking available after construction	263 Required after Phase I (159) Available during construction 104 Deficit during Phase II construction 511 Required after Phase II 213 Available after Phase II 298 Total deficit after Phase II

Based on the hours of operation of the various uses and schedule of activities provided by the applicant, Tables III and IV show that the peak parking demand for Phase I occurs on Sunday morning during the 10 – 11 a.m. worship service when the offices are closed and the gymnasium is yet to be built. This peak parking demand results in a parking deficiency of 39 spaces during the construction of Phase I and 18 spaces after the construction of Phase I.

The applicant is proposing to hold five high attendance special events, including musical/theatrical productions and Easter and Christmas services in the gymnasium/auditorium, social hall or sanctuary. However, at no time will the gymnasium, sanctuary or social hall be used at the same time for special events. Thus, given the capacity of the gymnasium as compared to the sanctuary and social hall, the peak parking demand for Phase II occurs during special events held in the gymnasium/auditorium on Friday and Saturday evenings, with a secondary peak occurring during Sunday morning worship service.

It should be noted that the gymnasium will be used not only for special events. The floor plan allows it to be used as a multi-purpose facility. The gymnasium will be equipped with partitions that can subdivide the gymnasium into three game court areas, two having bleachers for spectators, or one large game court area with bleachers, or one large auditorium with non-fixed seating for the special events. In addition, the three game court areas can be used for separate concurrently held assembly functions when the partitions are extended. The applicant's schedule of activities and Tables III and IV indicate that sporting events, youth activities and boy scout sessions will be typical uses in the gymnasium that will require less parking given the use of bleachers than special event uses in the gymnasium that will require much more parking given

non-fixed seating. The difference between the parking demand associated with this very different use of the gymnasium/auditorium is 38 vs. 246, respectively.

The Phase II peak parking demands result in a parking deficiency of 75 spaces during the construction of Phase II, 76 spaces after the construction of Phase II when special events are held and 24 spaces after the construction of Phase II during Sunday morning worship service. A summary of the peak parking demand deficiencies for each phase is provided in Table V below.

Table V. CCCM Peak Parking Demand Deficiencies

Phase	Total Required Parking Utilizing Shared Parking	Parking Provided	Deficiency
Current	N/A	232	N/A
Phase I during construction	234	195	39
Phase I after construction	234	216	18
Phase II during construction	<u>234</u>	159	<u>75</u>
Phase II after construction	289*/237	213	76*/24

* Reflects parking during special events held 5 times per year.

It is important to note in Tables III and IV that a parking deficiency occurs not only during the peak parking demand in Phase I and Phase II. Specifically, after the completion of Phase I with 216 parking spaces available, a non-peak parking deficiency of 14 spaces occurs Monday through Friday from 9 a.m. to noon during one week of the year while vacation bible school is held. After the completion of Phase II with 213 parking spaces available, a non-peak parking deficiency of 19 spaces occurs Monday through Friday from 9 a.m. to noon during one week of the year while vacation bible school is held. However, given that the vacation bible school is attended by youths unable to drive, parents will be dropping off their children to attend the school, thus not utilizing parking spaces.

According to the applicant, there is a verbal agreement with Christ Community Church and the Park Victoria Plaza property owner across the street (1101-1123 and 1205-1247 South Park Victoria Drive) for church parishioners to use the existing 99 parking spaces when the commercial businesses are closed. Parishioners are encouraged to utilize the Park Victoria Plaza parking to ensure church visitors have a convenient place to park on the project site. However, the owners of the commercial property are not willing to enter into a recorded joint parking agreement, as required under Section 53.07 e) 3), for the use of this parking in perpetuity. Thus, this informal joint parking arrangement cannot be formally credited to mitigate the project's parking deficiency. Thus, to mitigate the identified parking deficiency, a Transportation Demand Management Program (TDM) is being proposed to justify the requested parking reduction during peak demand periods.

Transportation Demand Management (TDM): According to the Focused TIA, the applicant plans to promote carpooling and provide shuttle bus service with pick-up and drop off service for parishioners at their homes during Sunday services, special events, and holiday services. The shuttle bus service would operate 8:30 a.m. to 10:45 a.m. and 10:30 a.m. to 12:30 p.m. operated by volunteers. Details of the shuttle bus service would be announced at all Sunday worship services, will begin during the construction of Phase I, and remain through the life of the project site. According to the TIA, the shortage of parking during construction and after renovation for regular Sunday services and holiday services (and special events in the gymnasium) will be offset by promoting TDM solutions. The attached TDM incorporates the following elements: shuttle bus, carpooling matching system, existing VTA bus service, walking, and biking. This should be adequate to mitigate the worst case parking deficiency, however as a safeguard, staff recommends, as a condition of approval, there be a 6-month review after groundbreaking of Phase I construction and 6-months after groundbreaking of Phase II for Planning Commission review. At this time, the applicant should be aware that changes to the TDM program, such as additional church services or off-site parking, may be required as a result of the follow-up parking review. To ensure there is sufficient on-site parking for the project, *staff recommends* as a condition of approval, the applicant undergo a 6-month Planning Commission review, subject to a second 6 month review depending on the results, for parking conformance after construction of the Living Life (Phase 2) building.

ISSUES

Air Quality and Noise

Air quality and noise impacts associated with the construction period are anticipated to consist of airborne dust particles and the operation of heavy machinery as earthwork commences. This dust and noise has the potential to be a nuisance and could be considered significant on a temporary and localized basis. As a condition of approval, the applicant will be required to adhere to construction Best Management Practices (BMP's) suggested by the Bay Area Air Quality Management District (BAAQMD), such as watering all active construction areas and cover trucks hauling soil, as well as limit construction activities to weekdays (7:00 a.m. to 7:00 p.m.).

Evening uses proposed include adult, teen, and youth activities, such as bible study, ESL, small group gatherings, young adult fellowship, and special performances. While most weekday activities end at 9:30 p.m., the gymnasium is proposed to remain open until 10:00 p.m. on weekends and weekdays (sports program, youth activities, Boy Scouts, special performances). Due to neighborhood concerns regarding evening noise, *staff recommends* a condition of approval that all evening activities shall end no later than 10:00 p.m.

Biologic Resources

The applicant is proposing to remove approximately six (6) trees that are defined by the Milpitas Municipal Code as protected. Prior to the removal of any protected tree, and as a condition of approval for this project, the applicant will be required to obtain a tree removal permit from the City Public Works Department. In addition, according to the conceptual landscape plans, a total of fifty-four (54) trees are proposed to be installed as part of the overall site landscaping.

Because of the high replacement-planting ratio of trees, the removal of six (6) protected trees would not be considered significant.

Cultural Resources

Native American archaeological sites in the Milpitas area of Santa Clara County tend to be situated at the base of hills on alluvial flats. The proposed project is located approximately 4,000 feet from the base of the foothills that define the eastern edge of the City. Given its location and setting, it is possible that the project site may contain Native American archaeological resources. In the event that unknown human remains are discovered during construction, *staff recommends* a condition of approval the applicant immediately halt work and notify the Santa Clara County coroner, City of Milpitas, and have an archaeologist evaluate the situation to determine if the remains are Native American.

Hazardous Materials

The project site is developed with ancillary buildings that were constructed prior to 1980, therefore there is a potential that asbestos and lead were used in the construction materials. Construction activities proposed by the project may involve use and transport of hazardous materials, including contaminated soil and/or groundwater, and demolition debris containing lead and asbestos. In order to determine if there are significant hazardous materials on site, the applicant will be required to submit an Environmental Site Assessment (ESA) with recommendations and guidelines, as well as follow Bay Area Air Quality Management District (BAAQMD), Federal and State regulations in order to mitigate environmental exposure.

Long Term Impacts

The proposed project is for the demolition of four (4) ancillary buildings and construction of two (2) new church ancillary buildings located in an existing Multi-Family High Density (R3) residential zoning district. As conditioned, the applicant will be responsible for providing a report documenting the success of the Transportation Demand Management (TDM) program as part of a 6-month Planning Commission review to ensure adequate parking. The applicant will also be responsible for applying Best Management Practices and restricting days and hours of operation construction during construction, and replacing protected trees at a high replacement ratio. The proposed project, as conditioned, is not anticipated to adversely impact parking or circulation, or create nuisances from construction-related noise or airborne dust in the surrounding residential and commercial areas.

CONFORMANCE WITH LOCAL PLANS AND ORDINANCES

General Plan

The proposed 'S' Zone Approval Amendment and Use Permit Approval Amendment applications are consistent with the following Guiding Policies and Implementing Principles of the General Plan:

- 2.a-I-2 which promotes in-fill development in the incorporated city limits;
- 2.a-I-10 which fosters community pride and growth through beautification of existing and future development;

- 2.d-G-2 which encourages development of adequate civic, recreational and cultural centers in locations for the best service to the community and in ways which will protect and promote community beauty and growth.

The project would be an in-fill project replacing four (4) aged ancillary buildings with two (2) new ancillary buildings using materials and architectural design elements that match the remaining sanctuary building. In addition, the proposed project would promote community beauty and foster pride through well designed buildings that are attractive and harmonious with existing and surrounding development.

Zoning Ordinance

Pursuant to Section XI-10-7.00 of the Zoning Ordinance, the proposed new buildings conform with the development standards of the Multi-Family High Density (R3) District in the following ways:

Zoning Code Development Standards	Proposed Project	Complies?
Building Height: 35 feet	34 feet	Yes
Setbacks:		
Front yard= 20 feet	20 feet	Yes
Rear yard= 40 feet	67 feet	Yes
Side yard= 12 feet	120 feet	Yes
Interior side yard (corner lot)= 10 feet	16 feet	Yes
Areas of lot required to be landscaped: 25% (44,649 sq. ft. not including paved parking areas)	44,839 sq. ft.	Yes
Compact parking= 40% max.	23%	Yes

The proposed religious facility is consistent with the Multi-Family High Density (R3) zoning district development standards and Section 57.02-18 of the Milpitas Zoning Ordinance, which conditionally permits modifications of the automobile parking space requirements following review and approval by the Planning Commission. In addition, as a condition of approval, the applicant will be required to implement mitigation measures that include Best Management Practices suggested by BAAQMD for construction activities, as well as limiting the hours of construction to weekdays. Therefore, the proposed project is consistent with Section 57.00 of the Milpitas Zoning Ordinance in terms of promoting the public health, safety, peace, morals, comfort and welfare.

Conformance with CEQA

An Initial Study and Draft Mitigated Negative Declaration were prepared for the project. The public comment period began on April 7, 2005 and closed on April 26, 2005. In response to neighborhood resident concerns regarding insufficient parking and street circulation, the applicant submitted a Focused Traffic Impact Analysis (TIA) on July 26, 2005. The Initial Study and Draft Mitigated Negative Declaration were recirculated. The public comment period began on July 28, 2005 and ended August 16, 2005. Potential environmental impacts from the project include temporary exposure of sensitive receptors to air pollutants during construction, disturbance of human remains, release of hazardous materials during construction, temporary increase in ambient noise levels during construction activities, and inadequate parking, which are discussed in detail in the above sections titled Air Quality and Noise, Biological Resources, Circulation, Cultural Resources, Hazardous Materials, and Parking. However, with the proposed mitigation measures the impacts will be reduced to a less than significant level.

At the time of preparation of the staff report, staff received received one telephone inquiry (in support), three (3) letters of concern (included in the Planning Commission's packet), and one (1) petition (attached) in opposition from 85 nearby neighbors. Staff recommends adoption of the Mitigated Negative Declaration with the mitigation measures incorporated therein.

Neighborhood/Community Impact

The applicant has been working with neighboring residences and has held two (2) neighborhood meetings to solicit comments and feedback from the surrounding property owners. Notices were sent to property owners and residential renters within 300 feet for the September 15, 2004 community meeting and to owners within 1,000 feet for the April 14, 2005 community meeting. According to the applicant, one (1) resident voiced concerns regarding the project.

In addition, staff extended the public hearing notification radius of all property owners and residential renters from 300 feet to 1,000 feet of the subject site. At the time of preparation of this staff report, nearby neighbor concerns regarding impacts of the proposed project include:

- Parking (on and off-street)
- Street circulation
- Seismic safety
- Noise
- Environmental pollution
- Removal of protected trees
- Operation of a school on site
- Parking for employees
- Pedestrian traffic

In regards to pedestrian traffic, there were concerns regarding the potential for parishioners to use the Park Avenue Condominium common area as a pathway to gain access to Christ Community Church from neighboring streets. The applicant has indicated announcements would be made

during the Sunday service to remind parishioners to use public sidewalks for safety and consideration.

Based on the analysis and conclusions of this report, the proposed project, as conditioned, is not anticipated to have any adverse impacts on parking, traffic, noise, odors, or be detrimental to the health and safety of the public. The peak parking demand times for Phase I would occur during Sunday morning services. Peak parking demand times for Phase II would occur during special events/holidays, approximately 5 times per year, when the gymnasium is in use. According to the Focused Traffic Impact Analysis (TIA), with a Transportation Demand Management (TDM) Program, there will be adequate parking on-site to meet the peak parking demand during and on completion of proposed Phase I and Phase II construction. In addition, as a condition of approval, the applicant will be required to submit a report documenting the usage of the TDM program measures to gauge its effectiveness in mitigating parking deficiency in conjunction with two (2) 6-month reviews—one 6-month review after a grading permit for Phase I and one 6-month review after a grading permit for Phase II. Therefore, the project is not anticipated to have adverse effects upon the adjacent or surrounding development, such as noise, view obstruction, or loss of privacy.

RECOMMENDATION

Close the Public Hearing. Adopt the Initial Study and Mitigated Negative Declaration (No. EA2005-2), approve Use Permit Approval Amendment (UA2004-10) and 'S' Zone Approval Amendment (SA2004-100) based on the Findings and Special Conditions of Approval listed below:

FINDINGS

1. The Initial Study and Mitigated Negative Declaration (EIA No. EA2005-2) prepared for this project represent the independent review of the City of Milpitas Planning Staff and Planning Commission.
2. The proposed project is consistent with the Milpitas General Plan in that it is consistent with Guiding Principles 2.a-I-2, 2.a-10, and 2.d-G-2 which promote in-fill developments that foster community pride and will serve both the immediate and larger neighborhood (Citywide).
3. The proposed project, as conditioned, is consistent with the Zoning Ordinance in that parking reductions are conditionally permitted with Planning Commission approval. In addition, the proposed project meets the development standards of the Multi-Family High Density zoning district.
4. The proposed project, as conditioned, would not be detrimental or injurious to property or improvements in the vicinity nor to the public health, safety and general welfare. As conditioned, the project is not anticipated to result in a negative community impact as construction activities will be limited to weekdays and the project would provide adequate parking.
5. As conditioned, the project complies with the "S" Zone Combining District in that modifications to the site and building exterior are compatible and aesthetically

harmonious with the existing building and no adverse visual impact would result from the proposed project.

SPECIAL CONDITIONS

1. This Use Approval Amendment No. UA2004-10 approval is for the following parking reductions: 39 parking spaces during construction of Phase I and a parking reduction for 18 spaces after completion of Phase I; 75 parking spaces during construction of Phase II and a parking reduction of 24 parking spaces for the life of the project in accordance with the plans approved on August 24, 2005, and as modified by the conditions within this approval. Any modification to the project as proposed will require a use permit amendment by the Planning Commission. (P)
2. The 'S' Zone Approval Amendment No. SA2004-100 approval is for the demolition of four (4) ancillary buildings (totaling 21,150 square feet) and construction of two (2) new ancillary buildings (totaling 49,502 square feet), removal of six (6) protected trees, and landscaping in accordance with the plans approved on August 24, 2005 and as modified by the conditions within this approval. Any modifications to the project as proposed shall be subject to review and approval pursuant to Section 42.00-'S' Combining District. (P)
3. This use shall be conducted in compliance with all appropriate local, state and federal laws and regulations, and in conformance with the approved plans. (P)
4. If, at the time of application for permit, there is a project job account balance due to the City for recovery of review fees, review of permits will not be initiated until the balance is paid in full. (P)
5. If, at the time of application for a certificate of occupancy, there is a project job account balance due to the City for recovery of review fees, a certificate of occupancy shall not be issued until the balance is paid in full. (P)
6. All church evening activities shall end no later than 10:00 p.m. (P)
7. All rooftop equipment shall be shielded from view in a manner to the approval of the Planning Commission or its designee as specified in Section XI-10-42.10-2 of the Milpitas Municipal Code. Prior to the issuance of any permit for roof-top equipment, detailed architectural plans for the screening of this equipment demonstrating that the equipment is not visible from surrounding view points shall be reviewed and approved as specified in Section XI-10-42.10-2 of the Milpitas Municipal Code, in order to assure the screening of said equipment is in keeping with and in the interest of good architectural design principles. (P)
8. Prior to issuance of building permits, the applicant shall submit revised landscaping and irrigation plans incorporating an annual fertilization schedule for the remaining protected trees, per the arborist's recommendation, to keep the trees healthy during construction. (P)

9. Prior to issuance of building permits, the applicant shall submit lighting plans indicating the location of all proposed lights on site, as well as manufacture's brochure, to the Planning Division for Planning Commission Subcommittee review and approval. (P)
10. Prior to issuance of any permits, the applicant shall submit a revised Traffic Impact Analysis modified to be consistent with the tables provided in the staff report. (P)
11. The applicant shall subscribe to the terms and conditions of the Transportation Demand Management (TDM) Program, dated August 8, 2005 in perpetuity. (P)
12. Six (6)-months after the commencement of grading for Phase I of the project, and six (6)-months after the commencement of grading for Phase II of the project, the applicant shall submit to a public hearing and review by the Planning Commission in regards to any parking and traffic concerns. At the time of submittal for Planning Commission review, the applicant shall supply a report documenting the usage of the TDM program measures to gauge its effectiveness. The applicant shall be responsible for all fees and submittal requirements in regards to this review. (P)
13. Prior to issuance of building permit, the applicant shall submit detailed landscape plans showing species type and location of 54 24" box replacement trees. (P)
14. Prior to the commencement of any construction or grading activities, chain link tree protective fencing shall be in place under the drip line of the six (6) protected trees proposed to remain on site, as shown on construction drawings. Tree protective fencing shall remain in place throughout all construction activities. (P)
15. Prior to issuance of an occupancy permit for Phase I (Nurturing Life) and Phase II (Living Life) buildings on this site, the required landscaping shall be planted and in place. (P)
16. The City Planning staff shall have approval authority for the installation of comparable substitute pest-resistant plant materials to satisfy the requirements of the approved landscape plan when the approved plants and materials are unavailable for installation or when other unforeseen conditions prevent the exact implementation of the landscape plan. (P)
17. Proper maintenance of landscaping, with minimal pesticide use, shall be the responsibility of the property owner in perpetuity. The pest reducing landscape maintenance techniques listed in the "Fact Sheet on Landscape Maintenance Techniques for Pest Reduction" are incorporated by reference into this condition. (P)
18. Prior to issuance of any building permits and certificate of occupancy, the applicant shall provide City Planning staff with verification of proposed TDM shuttle bus operation. (P)
19. During all construction activities on-site, the project applicant/developer shall adhere to the following Best Management Practices as suggested by BAAQMD. (*Mitigation Measure III.d-1*) (P):
 1. Watering all active construction areas twice daily and more often during windy periods. Active areas adjacent to existing land uses shall be kept damp at all times, or shall be treated with non-toxic stabilizers or dust palliatives.

2. Cover all trucks hauling soil, sand and other loose materials or require all trucks to maintain at least a 2 feet freeboard level within their truck beds;
 3. Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites.
 4. Sweep daily (with water sweepers) all paved access roads, parking areas and staging areas at construction sites;
 5. Sweep streets daily with water sweeper if visible soil material is carried onto adjacent public streets;
 6. Enclose, cover, water twice daily or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc.);
 7. Install sandbags or other erosion control measures to prevent silt runoff to public roadways;
 8. Plant vegetation in disturbed areas as quickly as possible;
 9. Suspend excavation and grading (all earthmoving or other dust-producing activities) during periods of high winds when watering cannot eliminate visible dust plumes or when winds exceed 25 mph (instantaneous gusts);
 10. Install wheel washers for all exiting trucks, or wash off the tires or tracks of all trucks and equipment leaving the site.
 11. Limit the area subject to excavation, grading and other construction activity at any one time.
20. In the event that human remains are encountered, the developer shall: Halt work in the immediate area of the remains; and (*Mitigation Measure V.d-1*) (P)
1. Contact the Santa Clara County coroner and the City of Milpitas; and
 2. Contact an archaeologist to evaluate the situation and make recommendations. If the remains are of Native American origin, the coroner will contact the Native American Heritage Commission, which will in turn contact the appropriate Most Likely Descendent (MLD). The MLD will have the opportunity to make a recommendation for the respectful treatment of the Native American remains and related burial goods. The archaeologist shall recover all scientifically valuable information as appropriate, in accordance with the recommendations of the MLD. Following the archaeologist's evaluation, a report should be prepared to document the methods, findings, and recommendations of the archaeologist conducting the work. The report shall be submitted to the City, the project applicant.

21. Prior to demolition permit issuance or any pre-demolition activities, the applicant shall submit to the City an Environmental Site Assessment (ESA) identifying any hazardous materials on site and guidelines/recommendations to mitigate environmental exposure and segregate hazardous from non-hazardous construction debris. (*Mitigation Measure VII-b-1*) (P)
22. Prior to condition of approval for any demolition activity, if asbestos-containing materials are determined to be present, the materials shall be abated by a certified asbestos abatement contractor in accordance with the regulations and notification requirements of the Bay Area Air Quality Management District. If lead-based paint is identified, then federal and State construction worker health and safety regulations shall be followed during renovation or demolition activities. If loose or peeling lead-based paint is identified, it shall be removed by a qualified lead abatement contractor and disposed of in accordance with existing hazardous waste regulations. In addition, if lead-based paint is identified, a contamination mitigation plan shall be submitted to and approved by the Department of Toxic Substance. (*Mitigation Measure VII-b-2*) (P)
23. Project grading and construction activities shall not occur outside the hours of 7:00 a.m. to 7:00 p.m. on weekdays and weekends, and shall not occur on the following holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day, as per the City of Milpitas Noise Ordinance. (*Mitigation Measure XI.d-1*) (P)
24. The applicant shall submit a Transportation Demand Modification (TDM) Program to the City Transportation Planning Division for review and approval detailing how the proposed carpooling program and shuttle bus service will reduce total parking demand to 213 spaces at any time during peak parking demand times for the life of the project (*Mitigation Measure XV.f-1*) (P)
25. The issuance of building permits to implement this land use development will be suspended if necessary to stay within (1) available water supplies, or (2) the safe or allocated capacity at the San Jose/Santa Clara Water Pollution Control Plant, and will remain suspended until water and sewage capacity are available. No vested right to the issuance of a Building Permit is acquired by the approval of this land development. The foregoing provisions are a material (demand/supply) condition to this approval. (E)
26. Prior to issuance of any building permits, developer shall obtain approval from the City Engineer of the water, sewer and storm drain studies for this development. These studies shall identify the development's effect on the City's present Master Plans and the impact of this development on the trunk lines. If the results of the study indicate that this development contributes to the over-capacity of the trunk line, it is anticipated that the developer will be required to mitigate the overflow or shortage by construction of a parallel line or pay a mitigation charge, if acceptable to the City Engineer. (E)
27. Prior to building permit issuance, the developer shall dedicate necessary public service utility and sidewalk easement, as shown on Engineering Services Exhibit "S"(dated 1/17/2005). (E)

28. At the time of building permit plan check submittal the developer shall submit a grading plan and a drainage study prepared by a registered Civil Engineer. The drainage study shall analyze the existing and ultimate conditions and facilities. The study shall be reviewed and approved by the City Engineer and the developer shall satisfy the conclusions and recommendations of the approved drainage study prior to building permit issuance. (E)
29. The U.S. Environmental Protection Agency (EPA) has empowered the San Francisco Bay Regional Water Quality Control Board (RWQCB) to administer the National Pollution Elimination Discharge System (NPDES) permit. The NPDES permit requires all dischargers to eliminate as much as possible pollutants entering our receiving waters. Construction activities which disturb 1 acres or greater are viewed as a source of pollution, and the RWQCB requires a Notice of Intent (NOI) be filed, along with obtaining an NPDES Construction Permit prior to the start of construction. A Storm Water Pollution Prevention Plan (SWPPP) and a site monitoring plan must also be developed by the applicant, and approved by the City prior to permit issuance for site clearance or grading. Contact the RWQCB for questions regarding your specific requirements at (800) 794-2482. For general information, contact the City of Milpitas at (408) 586-3329. (E)
30. The developer shall comply with Regional Water Quality Control Board's C.3 requirements and implement the following (E):
 - A. At the time of building permit plan check submittal the developer shall submit a "final" Stormwater Control Plan and Report substantially in conformance to the Stormwater Control Plan prepared by BKF Engineers, dated 2/28/05. Site grading, drainage, landscaping and building plans shall be consistent with the approved Stormwater Control Plan. The Plan and Report shall be prepared by a licensed Civil Engineer and certified that measures specified in the report meet the C.3 requirements of the Regional Water Quality Control Board (RWQCB) Order, and shall be implemented as part of the site improvements.
 - B. Prior to building permit issuance, the developer shall submit an Operation and Maintenance (O&M) Plan for the long-term operation and maintenance of C-3 treatment facilities.
 - C. Prior to Final occupancy, the developer shall execute and record an O&M Agreement with the City for the operation, maintenance and annual inspection of the C.3 treatment facilities.
31. Based on the information submitted and the City records, this parcel does not appear to be a legal parcel of record. Before building permit issuance, the developer shall submit a title search to establish the legality of this parcel, obtain a Certificate of Compliance or file a parcel map. (E)
32. The developer shall not obstruct the noted sight distance areas as indicated on the City standard drawing #405. Overall cumulative height of the grading, landscaping & signs as determined by sight distance shall not exceed 2 feet when measured from street elevation. (E)

33. All existing on-site public utilities shall be protected in place and if necessary relocated as approved by the City Engineer. No permanent structure is permitted within City easements and no trees or deep-rooted shrubs are permitted within City utility easements, where the easement is located within landscape areas. (E)
34. Applicant/property owner shall be responsible for the trash collection and recycling services account. Prior to occupancy permit issuance, the applicant shall submit evidence to the City that the following minimum refuse and recycling services have been subscribed with BFI for commercial services (E):
 - A. Maintain an adequate level of service for trash collection, 1-3 CYD collected 1X/week.
 - B. Maintain an adequate level of recycling collection, 1-3 CYD collected 1X/week.
35. After the applicant has started its business, the applicant shall contact BFI commercial representative to review the adequacy of the solid waste level of services. If services are determined to be inadequate, the applicant shall increase the service to the level determined by the evaluation. For general information, contact BFI at (408) 432-1234, x-264. (E)
36. Prior to any work within public right of way or City easement, the developer shall obtain an encroachment permit from City of Milpitas Engineering Division. (E)
37. The developer shall submit the following items with the building permit application and pay the related fees prior to final inspection (occupancy) by the Building Division (E):
 - A. Water Service Agreement(s) for water meter(s) and detector check(s).
 - B. Sewer Needs Questionnaire and/or Industrial Waste Questionnaire.
 - C. Contact the Land Development Section of the Engineering Division at (408) 586-3329 to obtain the form(s).
38. In accordance with Chapter 5, Title VIII (Ord. 238) of Milpitas Municipal Code, for new and/or rehabilitated landscaping 2500 square feet or larger the developer shall (E):
 - A. Provide separate water meters for domestic water service & irrigation service. Developer is also encouraged to provide separate domestic meters for each tenant.
 - B. Comply with all requirements of the City of Milpitas Water Efficient Ordinance (Ord No 238). Two sets of landscape documentation package shall be submitted by the developer or the landscape architect to the Building Division with the building permit plan check package. Approval from the Land Development Section of the Engineering Division is required prior to building permit issuance, and submittal of the Certificate of Substantial Completion is required prior to final occupancy inspection.

Contact the Land Development Section of the Engineering Division at (408) 586-3329 for information on the submittal requirements and approval process.

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**Christ Community Church of Milpitas
1000 South Park Victoria Drive**

39. Per Milpitas Municipal Code Chapter 2, Title X (Ord. No. 201), developer may be required to obtain a permit for removal of any existing tree(s). Contact the Street Landscaping Section at (408) 586-2601 to obtain the requirements and forms (E).

40. At the time of building plan check submittal, the developer shall incorporate the changes shown on Engineering Services Exhibit "S" (dated 1/17/2005) in the design plans and submit six sets of civil engineering drawings showing all proposed utilities to the Land Development Engineer for plan check (E).

(P) = Planning Division

(E) = Engineering